

# PENNSYLVANIA BULLETIN

Volume 53

Number 24

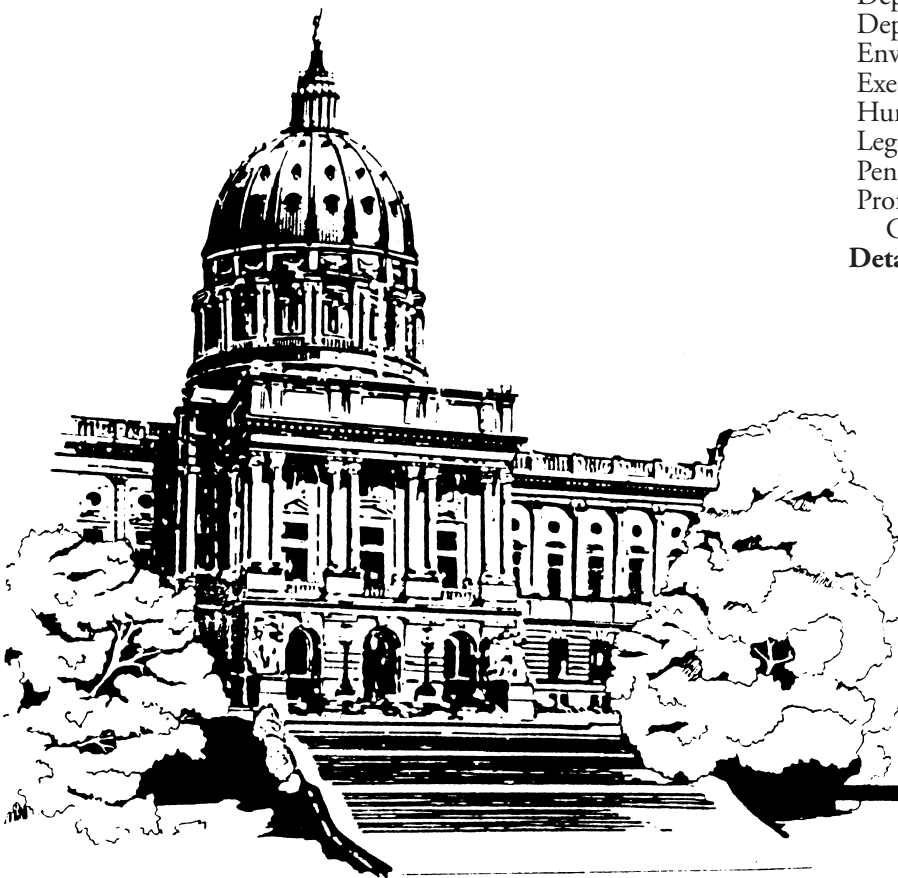
Saturday, June 17, 2023 • Harrisburg, PA

Pages 3179—3294

**Agencies in this issue**

The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Department of Revenue  
Environmental Hearing Board  
Executive Board  
Human Relations Commission  
Legislative Reference Bureau  
Pennsylvania Public Utility Commission  
Professional Standards and Practices  
Commission

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 583, June 2023**

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**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
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(800) 524-3232 ext. 2340 (toll free, in State)

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Mechanicsburg, Pennsylvania 17055-3198

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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](http://www.pacodeandbulletin.gov).

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 255—LOCAL COURT RULES

### INDIANA COUNTY

#### Certification Pursuant to Pa.R.Crim.P. Rule 507; M.D. 200-2023

##### Order of Court

*And Now*, this 1st day of June, 2023, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is Hereby Ordered that the Court adopts the following Rule of Criminal Procedure Rule 507 regarding Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth which becomes effective August 1, 2023.

The Court Administrator is Hereby Ordered to:

- 1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to [adminrules@pacourt.us](mailto:adminrules@pacourt.us);
- 2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to [Bulletin@palrb.us](mailto:Bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*;
- 3) Provide one copy of this Order to the members of the Indiana County Bar Association;
- 4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at [www.IndianaCountyPA.gov](http://www.IndianaCountyPA.gov);
- 5) File this Order in the Prothonotary's Office of Indiana County.

##### Certification

Robert F. Manzi, Jr., District Attorney of Indiana County, henceforth certifies that approval by an attorney for the Commonwealth is required prior to the issuance of a Police Complaint and/or Arrest Warrant Affidavit concerning the following offenses:

- 1) All offenses, both substantive or inchoate, that are graded as felonies, except for the following charges:
  - a. Retail Theft
  - b. Driving Under the Influence unless there is personal injury or death
  - c. Theft offenses under \$10,000.
- 2) All misdemeanor offenses included as follows:
  - a. All offenses under Chapter 31 of the Pennsylvania Crimes Code, titled "Sexual Offenses"
  - b. All offenses under Chapter 63 of the Pennsylvania Crimes Code, titled "Minors"
  - c. All offenses under Chapter 43 of the Pennsylvania Crimes Code, titled "Offenses against the family"
  - d. 18 PA 2713, Neglect of a Care Dependent Person.
  - e. All offenses under Chapter 55 of the Pennsylvania Crimes Code, titled "Offenses against public order and decency"
- 3) Any offense arising out of an incident for which the District Attorney of Indiana County has given notice to the investigating Agency of his intent to review any charges brought in connection with that incident prior to filing.

This procedure is to be effective August 1, 2023.

*Certified* this 31st day of May, 2023.

ROBERT F. MANZI, Jr.,  
*District Attorney*

#### Rule of Criminal Procedure 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Indiana County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrants affidavits by police officers, as defined in the Rules of Criminal Procedure, charging:

- 1) All offenses, both substantive or inchoate, that are graded as felonies, except for the following charges:
  - a. Retail Theft
  - b. Driving Under the Influence unless there is personal injury or death
  - c. Theft offenses under \$10,000.
- 2) All misdemeanor offenses included below:
  - a. All offenses under Chapter 31 of the Pennsylvania Crimes Code, titled "Sexual Offenses"
  - b. All offenses under Chapter 63 of the Pennsylvania Crimes Code, titled "Minors"
  - c. All offenses under Chapter 43 of the Pennsylvania Crimes Code, titled "Offenses against the family"
  - d. 18 PA 2713, Neglect of a Care Dependent Person.
  - e. All offenses under Chapter 55 of the Pennsylvania Crimes Code, titled "Offenses against public order and decency"
- 3) Any offense arising out of an incident for which the District Attorney of Indiana County has given notice to the investigating Agency of his intent to review any charges brought in connection with that incident prior to filing.

Shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

*By the Court*

THOMAS M. BIANCO,  
*President Judge*

[Pa.B. Doc. No. 23-785. Filed for public inspection June 16, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Amended Rule of Civil Procedure; No. 2023-J-0023

##### Administrative Order

*And Now*, this 31st day of May, 2023, the Administrative Order entered on April 18, 2023 is amended as follows:

*It Is Ordered* that the following Lehigh County Rule of Civil Procedure 430 is hereby *Adopted*, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.



*It Is Further Ordered* that the Court Administrator of Lehigh County shall:

1. File one (1) copy of the Order and the Amended Lehigh County Rule of Civil Procedure 430 with the Administrative Office of Pennsylvania Courts.
2. File two (2) copies, and other copies that comply with the requirement of 1 Pa. Code Section 13.11(b) as necessary, with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) copy with the Lehigh County Clerk of Judicial Records—Civil Division for public inspection and copying.
4. Publish a copy of the amended local rule on the court’s website.
5. Compile the amended local rule within the complete set of local rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

*By the Court*

J. BRIAN JOHNSON,  
*President Judge*

**Amended Lehigh County Rule of Civil Procedure 430. Service by Publication.**

(1) Every motion for a special order directing the method of service pursuant to Pa.R.C.P. 430 shall be accompanied by a cover sheet in the form set forth as Appendix 1 of these rules.

(2) The *Lehigh Law Journal* shall be the legal periodical for the publication of all notices.

(3) The court will not consider a motion for special service pursuant to Pa.R.C.P. 430(a) unless

(a) A cover sheet in the form set forth in Appendix 1 of these rules is attached to the motion;

(b) An affidavit and supporting documentation is attached to the motion indicating that all prerequisites and at least one discretionary effort have been attempted; and

(c) The motion is electronically filed.

**APPENDIX 1—Requirements for Special Service Checklist**

)  
 )  
 ) Case No.  
 )  
 )

Counsel for the moving party has attempted the following efforts marked with an “X”:

*Prerequisites:*

\_\_\_\_\_ Attempted Sheriff service to all known addresses

\_\_\_\_\_ PennDOT Form DL-503<sup>1</sup> (as applicable pursuant to Section D of the Form)

\_\_\_\_\_ Inquiry of postal authority

\_\_\_\_\_ Examination of Lehigh County dockets

\_\_\_\_\_ Examination of social media platforms (Facebook, LinkedIn, etc.)

\_\_\_\_\_ Search on at least one Internet search engine (Google, Bing, etc.)

*Discretionary Efforts:*

\_\_\_\_\_ Examination of local tax records

\_\_\_\_\_ Examination of voter registration records

\_\_\_\_\_ Examination of telephone directory website (411.com, whitepages.com, etc.)

\_\_\_\_\_ Inquiry of relatives, neighbors, friends, and employers of defendant(s)

\_\_\_\_\_ Other: \_\_\_\_\_

The court will not consider a motion for special service pursuant to Pa.R.C.P. 430(a) unless:

1. This checklist is attached to the motion;
2. An affidavit and supporting documentation is attached to the motion indicating that all prerequisites and at least one discretionary effort have been attempted; and
3. The motion is electronically filed.

[Pa.B. Doc. No. 23-786. Filed for public inspection June 16, 2023, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Notice of Disbarment**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 2, 2023, Maureen Callahan Repetto (# 59447) is Disbarred on Consent from the Bar of this Commonwealth effective July 2, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 23-787. Filed for public inspection June 16, 2023, 9:00 a.m.]

<sup>1</sup> PennDOT Form DL-503 is available on PennDOT’s website. PennDOT Form DL-503 is only required if the requestor satisfies one of the seven categories set forth in Section D of Form DL-503.

# RULES AND REGULATIONS

## Title 16—COMMUNITY AFFAIRS

### HUMAN RELATIONS COMMISSION

[ 16 PA. CODE CH. 41 ]

#### Protected Classes under the PHRA and PFEOA

The Human Relations Commission (Commission) promulgates this final-form rulemaking by adding Subchapter D (relating to protected classes). The Commission adds §§ 41.201—41.207 under the authority of sections 7(d) and 9(g) of the Pennsylvania Human Relations Act (PHRA) (43 P.S. §§ 957(d) and 959(g)), as amended by the act of June 25, 1997 (P.L. 326, No. 34) and sections 6(6) and 7 of the Pennsylvania Fair Educational Opportunities Act (PFEOA) (24 P.S. §§ 5006(6) and 5007), as amended by the act of December 22, 1992 (P.L. 1688, No. 187). This final-form rulemaking adds Subchapter D to read as set forth in Annex A.

#### *Purpose of the Regulation*

The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The PHRA specifically grants authority to the Commission to adopt, promulgate, amend and delete rules and regulations to effectuate the policies and provisions of the PHRA and to formulate policies to effectuate the purposes of the PHRA. 43 P.S. § 957(d) and (e). The Pennsylvania Supreme Court, in *PHRC v. Uniontown Area Sch. Dist.*, 313 A.2d 156 (Pa. 1973), explained that sections 957(d) and (e) of the PHRA indicate the Legislature's intent to grant the Commission the authority issue legislative rules that define terms and interpret the provisions of the PHRA. The Supreme Court noted that the power of an agency to promulgate legislative rules is so great that these rules can only be reversed by courts when "[w]hat has been ordered. . . appear[s] to be 'so entirely at odds with fundamental principles. . . as to be the expression of a whim rather than an exercise of judgment.'" *Id.* at 169 quoting *American Telephone & Telegraph Co. v. United States*, 299 U.S. 232, 236-37 (1936). This final-form rulemaking adds Subchapter D to define the terms "sex," "race" and "religious creed," as used in the PHRA and the PFEOA. The PHRA, the PFEOA and the Commission's existing regulations provide no definition and no guidance for these terms.

Subchapter D contains seven sections. Section 41.201 (relating to purpose) enumerates the purpose of the regulations. This final-form rulemaking ensures that all unlawful discriminatory practices and all unfair educational practices proscribed by the PHRA and the PFEOA are interpreted and applied consistently. Section 41.202 (relating to construction) provides that this final-form rulemaking is to be liberally construed to accomplish the purposes of the PHRA and the PFEOA. Section 41.203 (relating to enforcement) provides that this final-form rulemaking will be enforced in accordance with the PHRA, the PFEOA and the existing regulations of the Commission. This final-form rulemaking ensures that all unlawful discriminatory practices and all unfair educational practices proscribed by the PHRA and the PFEOA are interpreted and applied consistently. It is essential that all investigations of discrimination conducted by the Commission are investigated consistently with this final-form rulemaking. Section 41.204 (relating to definitions) provides definitions for terms used in Subchapter D. Section 41.205 (relating to religious creed discrimination)

provides the manner in which the term "religious creed," as used in the PHRA and the PFEOA, should be interpreted. Section 41.206 (relating to sex discrimination) provides the manner in which the term "sex," as used in the PHRA and the PFEOA, should be interpreted. Section 41.207 (relating to race discrimination) provides the manner in which the term "race," as used in the PHRA and the PFEOA, should be interpreted.

#### *Religious Creed Discrimination*

This final-form rulemaking provides clarity to ensure that the term "religious creed" as used throughout the PHRA and the PFEOA—including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations and educational institutions—is interpreted consistently. The PHRA prohibits discrimination on the basis of religious creed in employment, housing, commercial property, public accommodations and educational institutions. The PFEOA prohibits discrimination on the basis of religious creed in certain educational institutions.

In interpreting the PHRA, courts in this Commonwealth have recognized that claims of religious creed discrimination may be brought under the PHRA as claims of disparate treatment, failure to accommodate a religious creed and harassment. *Brown Transport Corp. v. PHRC*, 578 A.2d 555 (Pa. Commw. Ct. 1990) (overruled on other grounds in *Hoy v. Angelone*, 554 Pa. 134, 720 A.2d 745) (Pa. 1998); see also *Winn v. Trans World Airlines, Inc.*, 484 A.2d 392, 400 n.9 (Pa. 1984). However, there is minimal case law in this Commonwealth which explains the manner in which the term "religious creed," as used in the PHRA and the PFEOA, should be interpreted. Similar to the PHRA's protections regarding religious creed discrimination in employment, Title VII of the Civil Rights Act of 1964 (Title VII) (42 U.S.C. §§ 2000e—2000e17) declares that it is "an unlawful employment practice for an employer to. . . otherwise discriminate against any individual. . . because of such individual's. . . religion." 42 U.S.C. § 2000e-2(a)(1). In *Knepp v. Colonial Metals Co.*, 2005 Pa. Dist. & Cnty. Dec. LEXIS 3, \*15—17 (Court of Common Pleas of Lancaster County, PA July 6, 2005), the Court relied upon Federal court decisions interpreting Title VII to determine whether the plaintiff's asserted religious beliefs were sufficient to allege a claim of religious creed discrimination under the PHRA. Likewise, courts in this Commonwealth have explained that although they are not bound by Federal court decisions interpreting Federal statutes similar to the PHRA, in interpreting the PHRA where no applicable State law exists, "it is appropriate to look to federal decisions involving similar federal statutes for guidance." *McGlaw v. PHRC*, 891 A.2d 757, 768 (Pa. Commw. Ct. 2006) quoting *City of Pittsburgh Commission on Human Relations v. DeFelice*, 782 A.2d 586, 592. n.8 (Pa. Commw. Ct. 2001); see also *General Electric Corp. v. PHRC*, 469 Pa. 292, 303, 365 A.2d 649, 654-655 (Pa. 1976).

Thus, the Commission turned to Title VII for guidance regarding the definition of "religious creed," as courts in this Commonwealth often do when interpreting the PHRA and the PFEOA. Title VII explains that "[t]he term 'religion' includes all aspects of religious observance and practice as well as belief. . . ." 42 U.S.C. § 2000e(i). The regulations adopted by the Equal Employment Opportunity Commission (EEOC) explain that "religious practices include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of

traditional religious views.” 29 CFR 1605.1 (relating to “religious” nature of a practice or belief). The EEOC regulations further provide that “the fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee or prospective employee.” 29 CFR 1605.1. The EEOC regulations also provide that “the phrase ‘religious practice’ as used in these Guidelines includes both religious observances and practices.” 29 CFR 1605.1. Due to the lack of judicial interpretation of religious creed under the PHRA, the Commission promulgated the provisions in § 41.205. The Commission recognizes the “de minimis” standard regarding religious creed accommodations without undue hardship to an employer. This standard is consistent with the standard under Title VII.<sup>1</sup>

The Commission also recognizes that persons who are covered by the provisions of the PHRA and the PFEOA may believe that enforcement of the PHRA or the PFEOA against them would violate their free exercise of religion. Thus, if a person covered by the provisions of the PHRA or the PFEOA believes that enforcement of the PHRA or the PFEOA against them would violate their free exercise of religion, those persons may avail themselves of the protections in the Pennsylvania’s Religious Freedom Protection Act (RFPA) (71 P.S. §§ 2401—2407), by following the procedures outlined in the RFPA. The RFPA provides the mechanism for asserting these claims.

*Sex Discrimination*

This final-form rulemaking provides clarity to ensure that the term “sex” as used throughout the PHRA and the PFEOA—including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations and educational institutions—is interpreted consistently. The PHRA prohibits discrimination on the basis of sex in employment, housing, commercial property, public accommodations and educational institutions. The PFEOA prohibits discrimination on the basis of sex in certain educational institutions.

Similar to the PHRA’s protections regarding sex discrimination in employment, Title VII declares that it is “an unlawful employment practice for an employer to . . . otherwise discriminate against any individual . . . because of such individual’s . . . sex.” 42 U.S.C. § 2000e-2(a)(1). Additionally, similar to the protections regarding sex discrimination in educational institutions provided by the PHRA and the PFEOA, section 901 of Title IX of the Civil Rights Act of 1972 (Title IX) (20 U.S.C. § 1681) prohibits discrimination on the basis of sex in educational programs receiving Federal financial assistance. Thus, while the PHRA and the PFEOA do not define the term “sex,” the Commission’s final-form rulemaking provides clarity regarding the definition of “sex” which is consistent with the manner in which the term “sex,” as used in Title VII and Title IX, has been interpreted by Federal courts. The Commission’s final-form rulemaking is also consistent with the manner in which the term “sex” has been interpreted by State courts. The Commission previously issued guidance regarding the manner in which the term “sex” should be interpreted and the Commission is incorporating that guidance into this final-form rulemaking.

Title VII states that “[t]he terms ‘because of sex’ or ‘on the basis of sex’ include, but are not limited to, because of or on the basis of pregnancy, childbirth or related medical

conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes.” 42 U.S.C. § 2000e(k). This final-form rulemaking is also consistent with this Federal definition. The regulation is also consistent with the manner in which the term “sex” has been interpreted by courts in this Commonwealth. Courts in this Commonwealth have explained that “pregnancy based discrimination constitutes sex discrimination proscribed by section 5(a) of the PHRA.” *Anderson v. Upper Bucks County Area Vocational Technical School*, 373 A.2d 126, 130 (Pa. Commw. Ct. 1976).

The Commission’s final-form rulemaking explains that the term “sex” includes sex assigned at birth, gender identity or expression, differences in sex development and affectional or sexual orientation. This portion of this final-form rulemaking is consistent with the manner in which the term “sex,” as used in Title VII and Title IX, have been interpreted by Federal courts, including the United States Supreme Court. Courts are now broadly defining the term “sex” under Title IX, with respect to claims of sex discrimination in educational programs. Courts are also broadly defining the term “sex” under the PHRA, with respect to claims of sex discrimination in employment. Courts are also broadly defining the term “sex” with respect to claims of employment discrimination brought under the Equal Protection Clause (U.S. Const. Art. XIV, § 1). This final-form rulemaking ensures that the term “sex,” as used in the PHRA and the PFEOA, is interpreted consistently with the manner in which the term “sex” has been interpreted by Federal and State courts. The Commission’s final-form rulemaking also ensures that the term “sex” as used throughout the PHRA and the PFEOA—including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations and educational institutions—is interpreted consistently.

*Race Discrimination*

This final-form rulemaking provides clarity to ensure that the term “race” as used throughout the PHRA and the PFEOA—including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations and educational institutions—is interpreted consistently. The PHRA prohibits discrimination on the basis of race in employment, housing, commercial property, public accommodations and educational institutions. The PFEOA prohibits discrimination on the basis of race in certain educational institutions. Similar to the PHRA’s protections regarding race discrimination in employment, Title VII declares that it is “an unlawful employment practice for an employer to . . . otherwise discriminate against any individual because of such individual’s race.” 42 U.S.C. § 2000e-2(a)(1).

Although courts in this Commonwealth have addressed claims of race discrimination under the PHRA, they have not yet had an opportunity to address the manner in which the term “race” as used in the PHRA and the PFEOA should be interpreted. Thus, the Commission turned to Title VII for guidance regarding the definition of race, as courts in this Commonwealth often do when interpreting the PHRA and the PFEOA. The Commission’s final-form rulemaking explains that the term “race” includes ancestry, national origin and ethnic characteristics. This final-form rulemaking also explains that the term “race” includes interracial marriage or association. This explanation for race discrimination is consistent with the manner in which the term “race” has been interpreted by Federal courts interpreting similar Federal

<sup>1</sup> 29 CFR 1605.2 (relating to reasonable accommodation without undue hardship as required by section 701(j) of title VII of the Civil Rights Act of 1964).

statutes. Additionally, this final-form rulemaking specifies that race includes persons of Hispanic national origin or ancestry, including persons of Mexican, Puerto Rican, Central or South American or other Spanish origin or culture. This explanation is consistent with Federal regulations relating to the term “race.” See 29 CFR 1607.4(B) (relating to information on impact) (explaining Hispanic includes persons of Mexican, Puerto Rican, Central or South American or other Spanish origin or culture). Thus, the Commission’s final-form rulemaking provides clarity that the term “race,” as used in the PHRA and the PFEOA, should be interpreted consistent with the interpretation of the term race by Federal courts interpreting similar Federal statutes. The Commission’s final-form rulemaking also ensures that the term “race” as used throughout the PHRA and the PFEOA—including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations and educational institutions—is interpreted consistently.

The PHRA and the PFEOA, passed by the Legislature, explicitly authorize the Commission to “adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of the” PHRA and the PFEOA. 43 P.S. § 957(d) and (e); 24 P.S. § 5006(6). The PHRA and the PFEOA also require the Commission to “establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.” 43 P.S. § 959(g); 24 P.S. § 5007. The PHRA and the PFEOA specifically prohibit discrimination on the basis of religious creed, sex and race. However, neither statute provides a definition for those terms nor do the Commission’s existing regulations provide a definition for those terms. The Commission promulgates this final-form rulemaking consistent with its authority in section 7(d) of the PHRA and section 6(6) of the PFEOA to explain the manner in which the terms “sex,” “race” and “religious creed” as used in the PHRA and the PFEOA should be interpreted.

The Commission’s final-form rulemaking provides clarity and consistency regarding how the terms “religious creed,” “sex” and “race” as used throughout the PHRA and the PFEOA—including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations and educational institutions—should be interpreted. The Commission recognizes that the PHRA has different provisions prohibiting discrimination in employment, housing accommodations and commercial property, and public accommodations, including educational institutions. The Commission also recognizes that the PFEOA has its own provisions prohibiting discrimination in certain educational institutions. However, every provision regarding discrimination in employment, housing accommodations and commercial property, and public accommodations, including educational institutions, prohibit discrimination because of religious creed, sex and race. The terms “religious creed,” “sex” and “race” should not have different interpretations between the acts or among differing sections of each act. Given that the Commission enforces two statutes which prohibit discrimination in employment, housing accommodations and commercial property, and public accommodations, including educational institutions, because of religious creed, sex and race, the Commission’s final-form rulemaking provides the guidance necessary to ensure that the terms “religious creed,” “sex” and “race” are interpreted consistently throughout the PHRA and the PFEOA.

#### *Fiscal Impact*

There is no fiscal impact.

#### *Effective Date*

This final-form rulemaking will be effective 60 days after publication in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 23, 2022, the Commission submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 2122 (April 9, 2022), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and Senate Labor and Industry Committee for review and comment.

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

On October 18, 2022, under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), the Commission submitted copies of the final-form rulemaking, with a Regulatory Analysis Form and required materials, to IRRC, the House State Government Committee and the Senate Labor and Industry Committee. On October 25, 2022, the Commission received the Senate Labor and Industry Committee’s and the House State Government Committee’s notices of intent to review the final-form rulemaking under section 5.1(j.2) of the Regulatory Review Act. On December 8, 2022, IRRC approved the final-form rulemaking. On March 14, 2023, in accordance with section 5.1(j.3) of the Regulatory Review Act, the Commission provided the final-form rulemaking and required material to House State Government Committee and the Senate Labor and Industry Committee in response to the notices of intent to review. Also, the Commission coordinated with IRRC to determine that IRRC delivered its order approving the final-form rulemaking to each respective standing committee with the last standing committee receiving the approval order on March 29, 2023. The Commission allowed 14 calendar days to elapse from March 29, 2023, for the House and Senate Committees to complete their respective reviews. Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the House and Senate Committees. On April 17, 2023, the Commission submitted the final-form rulemaking to the Office of the Attorney General (OAG) for review. On May 30, 2023, the OAG approved the final-form rulemaking.

#### *Order*

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

(a) The regulations of the Commission, 16 Pa. Code Chapter 41, are amended by adding §§ 41.201—41.207 to read as set forth in Annex A.

(b) The Director shall submit this order and Annex A to the Office of the Attorney General for approval as to form and legality as required by law.

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

(d) The regulations shall take effect 60 days after publication in the *Pennsylvania Bulletin*.

M. JOEL BOLSTEIN,  
Chairperson

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

**Fiscal Note:** Fiscal Note 52-13 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 16. COMMUNITY AFFAIRS**

**PART II. GOVERNOR'S OFFICE**

**Subpart A. HUMAN RELATIONS COMMISSION**

**CHAPTER 41. PRELIMINARY PROVISIONS**

**Subchapter D. PROTECTED CLASSES**

Sec.	
41.201.	Purpose.
41.202.	Construction.
41.203.	Enforcement.
41.204.	Definitions.
41.205.	Religious creed discrimination.
41.206.	Sex discrimination.
41.207.	Race discrimination.

**§ 41.201. Purpose.**

This subchapter ensures that all unlawful discriminatory practices proscribed by the PHRA and all unfair educational practices proscribed by the PFEOA are interpreted and applied consistently. This subpart also ensures that all complaints filed with the PHRC are investigated consistent with the rules outlined in this subchapter.

**§ 41.202. Construction.**

This subchapter shall be construed liberally for the accomplishment of the purposes of the PHRA and the PFEOA.

**§ 41.203. Enforcement.**

This subchapter shall be subject to and enforced in accordance with the PHRA, the PFEOA, Chapter 42 (relating to Special Rules of Administrative Practice and Procedure) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

**§ 41.204. Definitions.**

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

*Affectional or sexual orientation*—Male, female or nonbinary heterosexuality, homosexuality, bisexuality or asexuality by inclination, practice, identity or expression, having a history thereof, or being perceived, presumed or identified by others as having such an orientation.

*Asexuality*—The lack of sexual attraction to others, or low or absent interest in or desire for sexual or romantic activity.

*Bisexuality*—Affectional, emotional, or physical attraction or behavior which is directed towards persons of either gender.

*Complainant*—A person, including the PHRC or the Attorney General, who files a complaint with the PHRC under the PHRA or the PFEOA.

*Complaint*—A complaint filed with the PHRC under the PHRA or the PFEOA.

*Core identity*—Attributes that make a person unique as an individual such as fundamental beliefs and values, personal characteristics, and physical or mental attributes.

*Ethnic characteristics*—Physical characteristics such as skin and hair color, body size and facial features typical of persons of a particular cultural or social background; linguistic characteristics such as language or dialect; behavioral or cultural characteristics such as religion or customs; and environmental characteristics such as living in the same area or region.

*Gender identity or expression*—Having or being perceived as having a gender-related identity, appearance, expression or behavior, which may or may not be stereotypically associated with the person's sex assigned at birth. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.

*Heterosexuality*—Affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the other gender.

*Homosexuality*—Affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the same gender.

*Intersex*—Describes a person born with sex characteristics that are not typical for male or female bodies. Sex characteristics are physical features relating to sex, including chromosomes, genitals, hormones and other reproductive anatomy.

*PFEOA*—The Pennsylvania Fair Educational Opportunities Act (24 P.S. §§ 5001—5010).

*PHRA*—The Pennsylvania Human Relations Act (43 P.S. §§ 951—963).

*PHRC*—The Pennsylvania Human Relations Commission.

*Person*—As defined in section 4(a) of the PHRA (43 P.S. § 954(a)).

*Pregnancy*—Includes all of the following:

- (1) The use of assisted reproductive technology.
- (2) The state of being in gestation.
- (3) Childbirth.
- (4) Breastfeeding.
- (5) The postpartum period after childbirth.
- (6) Medical conditions related to pregnancy.

*Religious beliefs*—Include the following:

- (1) Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.
- (2) The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.

*Respondent*—The person against whom a complaint was filed with the PHRC under the PHRA or the PFEOA.

*Sex assigned at birth*—The assignment and classification of individuals at birth, including but not limited to male, female or intersex.

*Traits associated with race*—Include, but are not limited to, hair texture and protective hairstyles, such as braids, locks and twists.

**§ 41.205. Religious creed discrimination.**

(a) The term “religious creed” as used in the PHRA and the PFEOA includes all aspects of religious observance, practice or belief.

(b) The term “religious creed” as used in the PHRA and the PFEOA includes the failure to provide a reasonable accommodation for a religious observance or practice.

(c) An employer, housing provider, public accommodation or person covered under the PHRA and the PFEOA may assert an undue hardship defense to the request for a reasonable accommodation.

**§ 41.206. Sex discrimination.**

The term “sex” as used in the PHRA and the PFEOA includes all of the following:

- (1) Pregnancy.
- (2) Sex assigned at birth.
- (3) Gender, including a person’s gender identity or gender expression.

(4) Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.

(5) Differences of sex development, variations of sex characteristics or other intersex characteristics.

**§ 41.207. Race discrimination.**

The term “race” as used in the PHRA and the PFEOA includes all of the following:

- (1) Ancestry, national origin or ethnic characteristics.
- (2) Interracial marriage or association.
- (3) Traits associated with race.
- (4) Hispanic ancestry, national origin or ethnic characteristics, including, but not limited to, persons of Mexican, Puerto Rican, Central or South American or other Spanish origin or culture.

(5) Persons of any other national origin or ancestry as specified by a complainant in a complaint.

[Pa.B. Doc. No. 23-788. Filed for public inspection June 16, 2023, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL HEARING BOARD

[ 25 PA. CODE CH. 1021 ]

### Practice and Procedure

The Environmental Hearing Board (Board) proposes to amend Chapter 1021 (relating to practice and procedure) by amending its procedural rules to read as set forth in Annex A.

The proposed procedural rules have the following objectives:

(1) To provide the regulated community, the Department of Environmental Protection (Department) and persons challenging Department actions with more specific guidance on how to represent their interests before the Board.

(2) To improve the rules of practice and procedure before the Board.

The Board considered the recommendations of the Environmental Hearing Board Rules Committee (Rules Committee) at its public meeting on October 19, 2022, and voted to adopt all but one recommendation as set forth in section E of this preamble.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Maryanne Wesdock, Senior Counsel, Environmental Hearing Board, Suite 310, 301 Fifth Avenue, Pittsburgh, PA 15222, (412) 565-5245, mwesdock@pa.gov.

#### C. *Statutory Authority*

The Board has the authority under section 5(c) of the Environmental Hearing Board Act (act) (35 P.S. § 7515(c)) to adopt regulations pertaining to practice and procedure before the Board.

Additionally, with regard to the proposed amendments to §§ 1021.181–1021.191, dealing with recovery of costs and attorney fees, certain statutes authorize the Board to award attorney fees and costs, including but not limited to section 307(b) of the Clean Streams Law (35 P.S. § 691.307(b)) and 27 Pa.C.S. § 7708 (relating to costs for mining proceedings).

#### D. *Background and Purpose*

The purpose of the proposed amendments is to improve practice and procedure before the Board. These proposed amendments are based on the recommendations of the Rules Committee, a nine-member advisory committee created by section 5(a) and (c) of the act to make recommendations to the Board on its rules of practice and procedure. Under subsection 5(c), regulations “shall be promulgated by the Board upon a majority affirmative vote on the recommended regulations.”

#### E. *Summary of Proposed Regulations*

##### § 1021.2. *Definitions*

The definitions of “Department,” “permittee” and “third-party” are proposed to be amended to more accurately define these terms.

“Department” is proposed to be amended to replace “boards, commissions or agencies” with the more comprehensive and inclusive term “government entities.”

“Permittee” is proposed to be amended to clarify that anyone who has been issued a permit, license, approval or certification by the Department is a permittee regardless of whether they are involved in a third-party appeal.

“Third-party appeal” is a term that is frequently used in practice before the Board. It is proposed to be amended to delete the undefined term “recipient of the action” and to clarify that a third-party appeal is an appeal brought by a person to whom the action is not directed or issued.

##### § 1021.5. *Citations to Board decisions*

The Board proposes to add this section to explain the proper format for citing Board decisions in briefs, legal memoranda and other documents filed with the Board.

##### § 1021.51. *Commencement, form and content*

The amendments to § 1021.51 (relating to commencement, form and content) clarify who should receive notice of the filing of a notice of appeal. The background and rationale for the proposed amendments are set forth in more detail as follows.

The amendments to § 1021.51 are intended to address the Commonwealth Court’s discussion regarding notice in *Department of Environmental Protection v. Schneiderwind*, 867 A.2d 724 (Pa. Cmwlth. 2005). In *Schneiderwind*, the underlying case before the Board involved a landowner, Walter Schneiderwind, who had filed a complaint with the Department claiming that surface mining operations conducted by Delaware Valley Concrete Company (Delaware Valley) had diminished the water supply to his farm. The Department conducted an investigation and found no correlation between Delaware Valley’s surface mining activities and the diminishment of Walter Schneiderwind’s water supply. Walter Schneiderwind appealed the Department’s decision to the Board and, after a hearing on the merits, the Board found in favor of Walter Schneiderwind. The Department and Delaware Valley appealed the Board’s decision to the Commonwealth Court. One of the arguments made by the Department and Delaware Valley was that Delaware Valley was an indispensable party to the action before the Board and, therefore, the Board could not grant relief to Walter Schneiderwind without Delaware Valley being a party to the action. Despite the fact that Delaware Valley was aware of Walter Schneiderwind’s appeal before the Board and elected not to intervene, and despite the fact that representatives of Delaware Valley attended the hearing, the Commonwealth Court agreed with the Department and Delaware Valley and held, “That the Board proceeded to determine Delaware Valley’s liability for the claimed water without the company’s participation in the adjudication constitutes additional error. The Board’s determination of liability in the absence of proof of notice and an opportunity for Delaware Valley to be heard ignores the rule stated in 2 Pa.C.S. § 504 [regarding hearing and record], which makes these elements essential to a valid agency adjudication. In addition, it offends basic principles of equity and due process.” 864 A.2d at 727-28.

The Board has struggled to find a way to comply with the Commonwealth Court’s holding in *Schneiderwind* since it does not have a rule that allows for mandatory joinder except for permittees in matters involving the

Department's issuance of a permit, license or other approval under § 1021.51(h)(1) and (i). Therefore, the Board could not have compelled Delaware Valley to enter the case. Instead, the Board has focused on rule changes that ensure that entities such as Delaware Valley receive notice of actions that could affect their rights, and the Board strongly encourages them to join the action. In an attempt to make it easy for these entities to join an action where their rights may be affected, the Board allows them to intervene in the appeal by simply filing an entry of appearance and does not require a petition to intervene. The amendments to § 1021.51 are an attempt to further comply with the Commonwealth Court's holding in *Schneiderwind* by ensuring that "potentially adversely affected persons" are notified of an action before the Board and are encouraged to participate in the action.

In an attempt to comply with the holding in *Schneiderwind*, the Board proposes to amend § 1021.51 as follows:

The amendments to § 1021.51(f) replace the term "recipient of the action" with "potentially adversely affected person" and clarify that a person filing a notice of appeal with the Board should serve a copy of the notice of appeal on "any potentially adversely affected person as identified in subsection (h)(1)—(3)." Subsection (h)(4) also authorizes the Board to order service after the filing of a notice of appeal where it determines that a person may be affected by the adjudication of the appeal in a manner similar to that previously described in the *Schneiderwind* case.

The term "third-party appeal" is proposed to be deleted from § 1021.51(f)(1)(iv) and (2)(vi)(C) because the requirement to serve potentially adversely affected persons applies to all appeals, not only third-party appeals.

Section 1021.51(h) is proposed to be amended to define "potentially adversely affected person." Subsections (h)(1)—(3) identify certain categories of persons or entities that may be impacted by an appeal. They include (1) the recipient of a permit, license, approval, certification or order; (2) certain affected entities in an appeal filed under sections 5 or 7 of the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.5 or 750.7); and (3) a mining company, well operator, or storage tank owner or operator in appeals claiming subsidence damage, water loss or contamination. Subsection (h)(2) is proposed to be amended to further clarify who may be a potentially adversely affected person in an appeal involving a decision under sections 5 or 7 of the Pennsylvania Sewage Facilities Act. Subsection (h)(4) is proposed to be amended to clarify that the Board may order service on an interested "person" (not a party).

Section 1021.51(j) is proposed to be amended to allow persons identified in subsections (h)(2) or (h)(3) to intervene in an appeal as of right by simply filing an entry of appearance. This section does not address (h)(1) because persons identified in subsection (h)(1) are automatically parties to an appeal under § 1021.51(i), and therefore, they do not need to intervene. Section 1021.51(j) has also been amended to clarify that persons who are determined by the Board to be "interested persons" under (h)(4) may be permitted to intervene as of right at the discretion of the Board.

The Comment to § 1021.51 is proposed to be amended to replace "recipient of an action" with "potentially adversely affected person" as set forth in the revisions to the rule, and to correct the citation to the *Schneiderwind* decision.

#### § 1021.61. General

A reference is proposed to be added to § 1021.61 (relating to general) to clarify that when the record is reopened after a supersedeas hearing, it is governed by § 1021.133 (relating to reopening of record prior to adjudication).

#### § 1021.63. Circumstances affecting grant or denial

Section 1021.63(a)(3) is proposed to be amended to delete the reference to "permittee in third-party appeals" since the Board must consider the likelihood of harm to all parties in a case when evaluating a petition for supersedeas, not simply the permittee in a third-party appeal.

#### § 1021.81. Intervention

A comment is proposed to be added to § 1021.81 (relating to intervention) to explain that certain "potentially adversely affected persons," as identified in § 1021.51(h), may intervene in an appeal by simply filing an entry of appearance under § 1021.51(j).

#### § 1021.92. Procedural motions

This section is proposed to be amended to clarify that all procedural requests, not simply requests for extensions or continuances, must be accompanied by a proposed order.

#### § 1021.94a. Summary judgment motions

This section is proposed to be amended to correct a typographical error.

#### § 1021.133. Reopening of record prior to adjudication

This section deals with the reopening of the record. The current rule addresses only the reopening of the record after a hearing on the merits and prior to the issuance of an adjudication. It was recognized that a record may need to be opened after a hearing on a petition for supersedeas before a ruling has been made on the petition. Therefore, this section is proposed to be amended to delete "prior to adjudication" from the title and to add a reference to reopening the record after the conclusion of a supersedeas hearing.

#### § 1021.161. Sanctions

A majority of the Rules Committee recommended amending § 1021.161 (relating to sanctions) to remove the reference to Pa.R.C.P. 4019 and to add language clarifying that the Board may impose sanctions "by motion or sua sponte." At the public meeting of the Board held on October 19, 2022, the Judges voted not to approve the changes proposed by the Rules Committee. The Judges felt that additional changes to § 1021.161 were needed. They sent the matter back to the Rules Committee for additional consideration.

#### Attorney costs and fees authorized by statute (§§ 1021.181—1021.184)

At the January 16, 2020, meeting of the Rules Committee, the Board asked the Rules Committee for input on whether the rules on applications for costs and attorney fees should provide further detail. The Board noted that the cost and fee applications being filed with the Board were not consistent. For example, some applications included a brief in support of the application; others were filed with no brief. Some applications provided a great deal of detail about how the costs and fees were calculated, whereas other applications provided only general information. Some applications were signed by the applicant, whereas other applications were signed by the applicant's attorney. The same was true of responses:



Some responses were accompanied by a brief, in some cases even when the application itself did not include a brief. Finally, in some cases, parties wished to conduct discovery and hold an evidentiary hearing, whereas in other cases parties did not wish to do so. The Board expressed a concern that the lack of detail in the rules was leading to inconsistent practices. The Rules Committee agreed that the Board's rules on costs and attorney fees did not provide sufficient detail or guidance to applicants or respondents. The Rules Committee agreed that the rules should be amended to provide more detail. Over the course of several meetings, from January 2020 to November 2020, the Committee developed proposed amendments to the rules.

The Board's rules on costs and attorney fees are proposed to be amended to clarify the process for seeking costs and fees and responding to applications for costs and fees. The proposed amendments to the rules provide clarification on what information must be contained in an application for costs and fees, the materials that must accompany an application for costs and fees, and who must sign the application. The proposed amendments further specify what information must be provided in response to an application for costs and fees. Finally, the proposed amendments clarify the process that the Board will follow when an application for fees and costs is filed.

The proposed amendments make the following changes to the rules:

Section 1021.182 (relating to application for costs and fees) is proposed to be amended to revise the name of the filing from "request for costs and fees" to "fee application" and to clarify that a fee application may be filed where statutorily authorized. The section is proposed to be further amended to set forth consistent and specific requirements for a fee application that will be helpful to the Board in deciding the fee application. Under the current rules, there is insufficient detail for an applicant to know what information must be provided with its application. The proposed amendments provide that detail as follows:

- The fee application shall include a statement of the basis upon which the applicant claims to be entitled to costs and attorney fees and must identify the legal issues upon which the applicant contends it prevailed.
- The fee application shall contain numbered paragraphs setting forth the facts in support of the application and the amount of costs and fees requested.
- The fee application shall not be accompanied by a brief or legal memorandum unless ordered by the Board.
- The fee application should be supported by an affidavit or affidavits signed by each of the applicant's attorneys and expert witnesses whose costs and fees the applicant seeks to recover in connection with the issues upon which the party prevailed.
- The Board may require an applicant to amend the fee application if further information is needed.
- A comment has been added to the rule discouraging the use of block billing for purposes of recovering costs and fees.

Section 1021.183 (relating to response to fee application) is proposed to be revised to provide consistent and specific requirements regarding the filing of a response to a fee application, as follows:

- The Board may designate a longer period of time for responding to a fee application (beyond the standard response time of 30 days currently set forth in § 1021.183).

- The response shall contain correspondingly-numbered paragraphs setting forth all factual disputes and the reason the opposing party objects to the fee application. Material facts set forth in a fee application that are not denied may be deemed admitted for the purpose of deciding the fee application.

Section 1021.184 (relating to disposition of fee application) sets forth the procedure following the filing of a fee application. The current rule contains little information on what is expected of an applicant or respondent when a fee application is filed. The proposed amendments to § 1021.184 provide that detail:

- Within 7 days of receipt of an application for costs and attorney fees, the Board will hold a fee conference with the parties to determine the process and deadlines for filing responses and, if necessary, filing briefs, conducting discovery and holding an evidentiary hearing. Following the fee conference, the Board will issue a case management order concerning these matters and any other issues that may need to be addressed.
- The applicant has the burden of proving its entitlement to recovery of costs and fees.
- The fee application process will be stayed if one of the parties files an appeal from the Board's final order in the underlying appeal.

§ 1021.191. *Application for counsel fees under more than one statute*

This section is proposed to be amended to be consistent with previous §§ 1021.181–1021.184 and to clarify that applications for costs and attorney fees filed under more than one statute should comport specifically with § 1021.182.

Detailed discussions of the proposed amendments to §§ 1021.181–1021.184 and 1021.191 can be found in the Rules Committee meeting minutes from January 2020 through November 2020 on the Board's web site under "EHB Rules Committee" at <https://ehb.courtapps.com>.

#### F. *Benefits, Costs, Compliance and Paperwork*

##### *Benefits*

The proposed amendments are likely to provide a benefit to parties appearing before the Board because they will further clarify the Board's rules of practice and procedure.

##### *Costs*

The proposed amendments will have no measurable fiscal impact on the Commonwealth, political subdivision or the private sector.

##### *Compliance*

The proposed amendments will have no impact on compliance costs for parties participating in matters before the Board.

##### *Paperwork*

The proposed amendments will require no additional paperwork.

#### H. *Sunset Review*

These regulations will be reviewed on an ongoing basis by the Rules Committee to determine whether the regulations effectively fulfill the goals for which they were intended. The Rules Committee meets six times a year in alternating months (January, March, May, July, September, November).

I. Public Meeting on Proposed Rules

In accordance with 65 Pa.C.S. § 704 (relating to open meetings) a quorum of the Judges of the Board voted to adopt the previously-described proposed rules at a public meeting held on October 19, 2022, at 2:30 p.m. by videoconference.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 6, 2023, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. 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. § 745b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

K. Public Comment Regarding Proposed Revisions

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed revisions to Senior Counsel, Maryanne Wesdock, mwesdock@pa.gov, Environmental Hearing Board, Attention: Maryanne Wesdock, 2nd Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, within 30 days of the date of publication in the Pennsylvania Bulletin.

STEVEN C. BECKMAN,
Chairperson

Fiscal Note: 106-14. No fiscal impact; recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURE
PRELIMINARY PROVISIONS
GENERAL

§ 1021.2. Definitions.

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

\* \* \* \* \*

Business day—A day that is not a Saturday, Sunday or a legal holiday.

Conventional filing—Presenting documents to the Board by hand, mail or other personal delivery services, for purposes of filing.

Department—The Department of Environmental Protection or other [ boards, commissions or agencies ] governmental entities whose decisions are appealable to the Board.

Dispositive motion—A motion that seeks to resolve the issues in an appeal without the need for hearing or further hearing. The term includes a motion to quash

appeal, a motion to dismiss, a motion for summary judgment, and a motion for partial summary judgment, but not a motion in limine.

\* \* \* \* \*

Pa.R.C.P.—Pennsylvania Rules of Civil Procedure, 42 Pa.C.S.; 231 Pa. Code.

Party—An appellant, appellee, plaintiff, defendant, permittee or intervenor.

Permittee—The recipient of a permit, license, approval or certification [ in a third-party appeal ] issued by the Department.

\* \* \* \* \*

Registration statement—A completed application to use the electronic filing provider for electronic filing and electronic service in Board proceedings.

Supersedeas—A suspension of the effect of an action of the Department pending proceedings before the Board.

Third-party appeal—The appeal of an action by a person [ who is not the recipient of the action ] to whom the action is not directed or issued.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions) except for “pleading” which supersedes the definition of “pleading” in 1 Pa. Code § 31.3.

(Editor’s Note: Section 1021.5 is proposed to be added and is printed in regular type to enhance readability.)

§ 1021.5. Citations to Board decisions.

(a) Citations to Board decisions in briefs, legal memoranda and other documents filed with the Board shall contain the names of the parties, and the year and page number of the Environmental Hearing Board Reporter (Opinion and Adjudication volumes) located on the Board’s web site. The citation shall be provided using the following format: Name of Appellant v. DEP, 2021 EHB 43. Pinpoint citations shall be preceded with a comma and a space, in the following format: Name of Appellant v. DEP, 2021 EHB 43, 45.

(b) If the Environmental Hearing Board Reporter has not been published for a particular year, the citation shall be to the slip opinion which can be found on the Board’s web site. The citation shall include the names of the parties, the docket number, the type of decision being issued (that is, Adjudication or Opinion) and the date of issuance, using the following format: Name of Appellant v. DEP, EHB Docket No. 2022-000-R (Opinion and Order on Motion to Dismiss issued January 1, 2022).

Comment: Additional citations to legal research databases such as LexisNexis and Westlaw are permissible.

FORMAL PROCEEDINGS
APPEALS

§ 1021.51. Commencement, form and content.

\* \* \* \* \*

(f) An original notice of appeal shall be filed electronically, conventionally or by facsimile.

(1) Electronic filing.

\* \* \* \* \*

(iv) [ In a third-party appeal, the ] The appellant shall, concurrent with or prior to the filing of a notice of appeal, serve by facsimile or overnight mail a copy on [ the recipient of the action ] any potentially adversely affected persons as identified in subsection (h)(1)—(3). The service shall be made at the address in the document evidencing the action by the Department or

[ at the chief place of business in this Commonwealth of the recipient ] in accordance with the Pennsylvania Rules of Civil Procedure.

(2) Conventional filing.

(vi) The appellant shall, concurrent with or prior to the filing of a notice of appeal, serve a copy on each of the following in the same manner in which the notice of appeal is filed with the Board:

(A) The office of the Department issuing the Departmental action.

(B) The Office of Chief Counsel of the Department.

(C) [ In a third-party appeal, the recipient of the action. ] A potentially adversely affected person as identified in subsection (h)(1)–(3). The service shall be made at the address in the document evidencing the action by the Department or [ at the chief place of business in this Commonwealth of the recipient ] in accordance with the Pennsylvania Rules of Civil Procedure.

(h) For purposes of this section, [ “recipient of the action” ] a “potentially adversely affected person” includes the following:

(1) The recipient of a permit, license, approval, certification or order.

(2) [ Any ] In appeals involving a decision under section 5 or 7 of the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.5 or 750.7), any affected municipality, its municipal authority [ and ], the proponent of the [ decision ] request, when applicable, [ in appeals involving a decision under section 5 or 7 of the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.5 and 750.7) ] and any municipality or municipal authority whose official plan may be affected by the decision or a decision of the Board in the appeal.

(3) A mining company, well operator, or owner or operator of a storage tank in appeals involving a claim of subsidence damage, water loss or contamination.

(4) Other interested [ parties ] persons as ordered by the Board.

(i) The service upon the recipient of a permit, license, approval, certification or order, as required under subsection (h)(1), shall subject the recipient to the jurisdiction of the Board, and the recipient shall be added as a party to the [ third-party ] appeal without the necessity of filing a petition for leave to intervene under § 1021.81 (relating to intervention). The recipient of a permit, license, approval, certification or order who is added to an appeal under this section shall still comply with §§ 1021.21 and 1021.22 (relating to representation; and notice of appearance).

(j) Other [ recipients of an action ] potentially adversely affected persons under [ subsection (h)(2), (3) or (4) ] subsection (h)(2) or (3) may intervene as of [ course ] right in the appeal by filing an entry of appearance within 30 days of service of the notice of appeal in accordance with §§ 1021.21 and 1021.22, without the necessity of filing a petition for leave to intervene

under § 1021.81. Intervention of persons identified under subsection (h)(4) shall be filed in accordance with § 1021.81 unless otherwise specified in the order of the Board under subsection (h)(4).

Comment: If a [ recipient of an action ] potentially adversely affected person under subsection (h)(2), (3) or (4) elects not to intervene following service of notice of an appeal or notice by the Board that the [ recipient’s ] person’s rights may be affected by an appeal, the [ recipient’s ] person’s right to appeal from the Board’s adjudication in the matter may be adversely affected. This comment is added in response to the Commonwealth Court’s ruling in [ Schneiderwind v. DEP ] DEP v. Schneiderwind, 867 A.2d 724 (Pa. Cmwlth. 2005).

SUPERSEDEAS

§ 1021.61. General.

(d) At the discretion of the Board, if necessary to ensure prompt disposition, supersedeas hearings may be limited in time and format, with parties given a fixed amount of time to present their entire case, and with restricted rights of discovery [ or of ], cross-examination, or reopening the record in accordance with § 1021.133 (relating to reopening of record prior to adjudication).

§ 1021.63. Circumstances affecting grant or denial.

(a) The Board, in granting or denying a supersedeas, will be guided by relevant judicial precedent and the Board’s own precedent. Among the factors to be considered:

- (1) Irreparable harm to the petitioner.
(2) The likelihood of the petitioner prevailing on the merits.
(3) The likelihood of injury to the public or other parties [ , such as the permittee in third party appeals ] in the case.

CONSOLIDATION, INTERVENTION AND SUBSTITUTION OF PARTIES

§ 1021.81. Intervention.

Comment: [ A recipient of an action, as that term is defined in § 1021.51(h) (relating to commencement, form and content), may automatically intervene in an appeal by simply filing an entry of appearance under § 1021.51(j). ] Section 1021.51(j) (relating to commencement, form and content) allows certain potentially adversely affected persons, as that term is defined in § 1021.51(h), to intervene in an appeal as of right by simply filing an entry of appearance.

MOTIONS

§ 1021.92. Procedural motions.

(e) [ Requests for extensions or continuances ] Procedural requests, whether in letter or motion, shall be accompanied by a proposed order.

§ 1021.94a. Summary judgment motions.

(g) *Opposition to motion for summary judgment.* Within 30 days of service of the motion or, if a supporting party files a memorandum of law alone, within 30 days of service of the memorandum of law, a party opposing the motion shall file the following:

(1) A response to the motion for summary judgment which includes a concise statement, not to exceed two pages in length, as to why the motion should not be granted.

(2) A response to the statement of undisputed material facts either admitting or denying or disputing each of the facts in the movant's statement. Any response must include a citation to the portion of the record **[contraverting] controverting** a material fact. The citation must identify the document and specify the pages and paragraphs or lines thereof or the specific portions of exhibits relied on demonstrating existence of a genuine issue as to the fact disputed. An opposing party may also include in the responding statement additional facts the party contends are material and as to which there exists a genuine issue. Each fact shall be stated in separately numbered paragraphs and contain citations to the motion record. The response to the statement of undisputed material facts may not exceed five pages in length unless leave of the Board is granted.

\* \* \* \* \*

#### POSTHEARING PROCEDURES

§ 1021.133. Reopening of record **[prior to adjudication]**.

(a) After the conclusion of the hearing on the merits of the matter pending before the Board and before the Board issues an adjudication, **or after the conclusion of a hearing on a supersedeas and before the Board issues an order granting or denying a supersedeas,** the Board, upon its own motion or upon a petition filed by a party, may reopen the record as provided in this section.

\* \* \* \* \*

#### ATTORNEY **[FEES AND COSTS]** COSTS AND FEES AUTHORIZED BY STATUTE

§ 1021.182. Application for costs and fees.

(a) **[A request for costs and fees] If statutorily authorized, a party may initiate a request for costs and fees by filing a fee application with the Board. The fee application shall conform to any requirements set forth in the statute under which costs and fees are being sought and shall also conform to any requirements set forth in §§ 1021.181, 1021.183, 1021.184 and 1021.191.**

(b) **[A request for costs and fees shall be by verified application, setting] A fee application shall be verified by the applicant, and shall set forth sufficient grounds to justify the award, including the following:**

(1) A copy of the order of the Board in the proceedings in which the applicant seeks costs and attorney fees.

(2) A statement of the basis upon which the applicant claims to be entitled to costs and attorney fees, **setting forth in numbered paragraphs the facts in support of the fee application and the amount of costs and fees requested. The statement must identify all legal issues upon which the applicant contends it prevailed and the degree to which the relief sought in the appeal was granted. The fee application may**

**not be accompanied by a supporting memorandum of law unless otherwise ordered by the Board.**

(3) An affidavit, **or affidavits, signed by each of the applicant's lawyers and each consultant or expert witness whose costs and fees the applicant seeks to recover,** setting forth in detail all reasonable costs and fees incurred for or in connection with **[the party's participation in the proceeding, including receipts or other evidence of such costs and fees] issues in which the party prevailed.**

(4) Where attorney fees are claimed, evidence concerning the hours expended on the case, the customary commercial rate of payment for such services in the area and the experience, reputation and ability of the individual or individuals performing the services.

(5) The name of **[the] each** party from whom costs and fees are sought.

(c) An applicant shall file **[an application] a fee application** with the Board within 30 days of the date of a final order of the Board. An applicant shall serve a copy of the **fee** application upon the other parties to the proceeding.

(d) The Board may deny **[an application] a fee application** sua sponte **or require an applicant to amend its fee application within a specified time frame** if **[it] the applicant** fails to provide all the information required by this section in sufficient detail to enable the Board to **[grant the relief requested] fully evaluate the request for relief.**

**Comment: For the purpose of establishing the number of hours an attorney or consultant/expert witness worked under subsection (b)(4), the Board encourages the submission of records that avoid grouping multiple tasks into a single time entry.**

§ 1021.183. Response to **fee** application.

A response to **[an application] a fee application** shall be filed within 30 days of service, **unless a longer period of time is ordered by the Board following a fees conference under § 1021.184(c) (relating to disposition of fee application).** **[A factual basis] The factual bases** for the response shall be **[verified] supported** by **[affidavit] affidavits signed by the parties from whom the fees are sought or others with relevant knowledge. A response to a fee application shall set forth in correspondingly numbered paragraphs all factual disputes and the reason the opposing party objects to the fee application. Material facts set forth in a fee application that are not denied may be deemed admitted for the purposes of deciding the fee application.**

§ 1021.184. Disposition of **fee** application.

(a) **[Each party may file a brief in accordance with a schedule established by the Board] [Reserved].**

(b) **[The Board may allow discovery and the taking of testimony in order to resolve any factual issues raised by the application and response] [Reserved].**

(c) Within 7 days of the Board's receipt of a fee application, the Board will hold a fees conference with all parties to the appeal to determine the process and deadlines for responses, briefing, discovery and evidentiary hearings, if any. Following the fees conference, the Board will issue a fees conference order establishing case management procedures for these and any other issues that the Board may address.

(d) The applicant has the burden of proving its entitlement to the recovery of costs and fees.

(e) The fee application process will be stayed if one of the parties files an appeal from the Board's final order in the underlying appeal.

ATTORNEY [ FEES AND COSTS ] COSTS AND FEES  
UNDER MORE THAN ONE STATUTE

§ 1021.191. Application for [ counsel ] costs and fees under more than one statute.

An applicant seeking to recover costs and fees [ and costs ] under more than one statute shall file a single fee application which sets forth, in separate counts, the basis upon which costs and fees [ and costs ] are claimed under each statute. The fee application shall comport with the requirements at § 1021.182 (relating to application for costs and fees).

[Pa.B. Doc. No. 23-789. Filed for public inspection June 16, 2023, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### **Reorganization of the Department of Human Services**

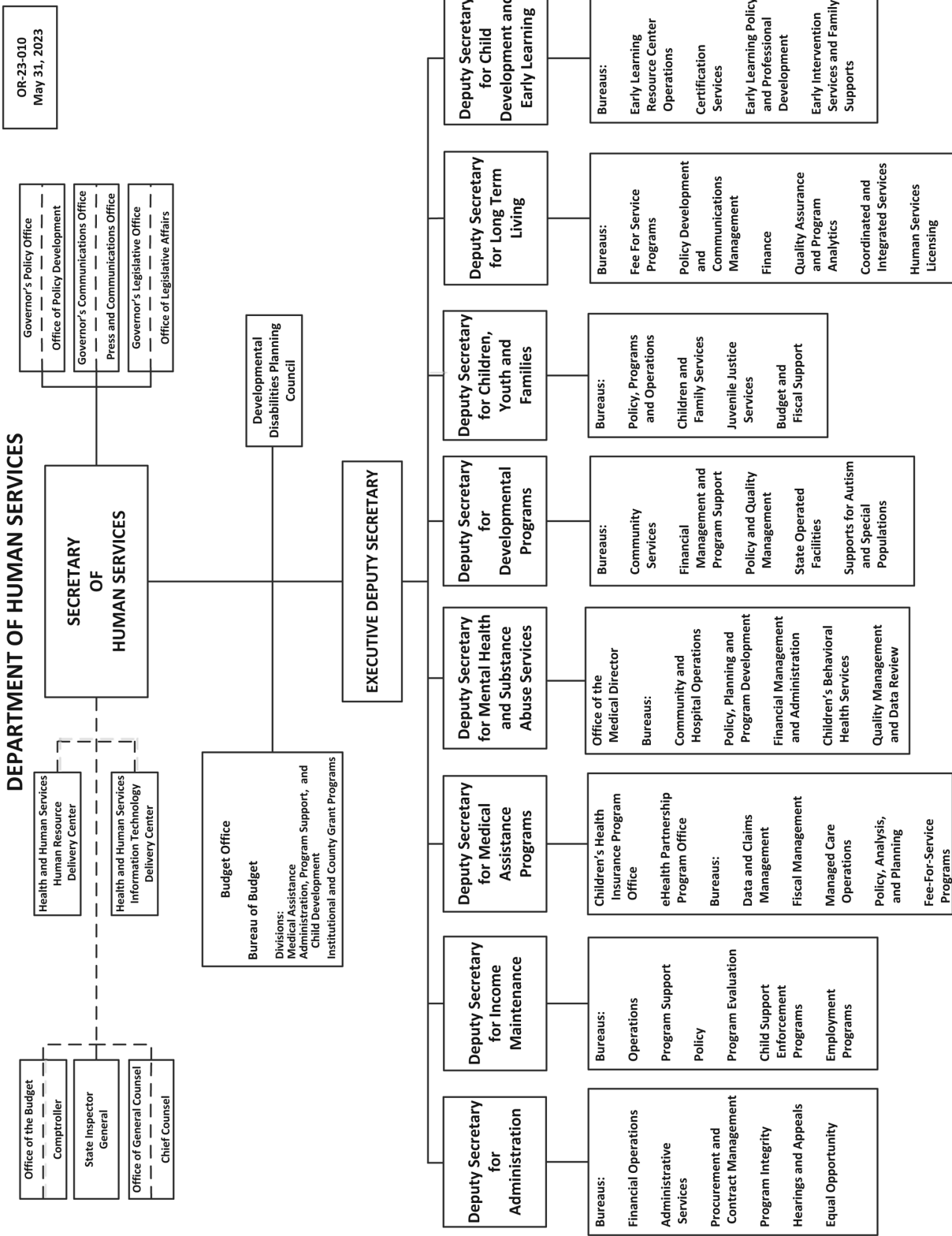
The Executive Board approved a reorganization of the Department of Human Services effective May 31, 2023.

The organization chart at 53 Pa.B. 3201 (June 17, 2023) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note:* The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

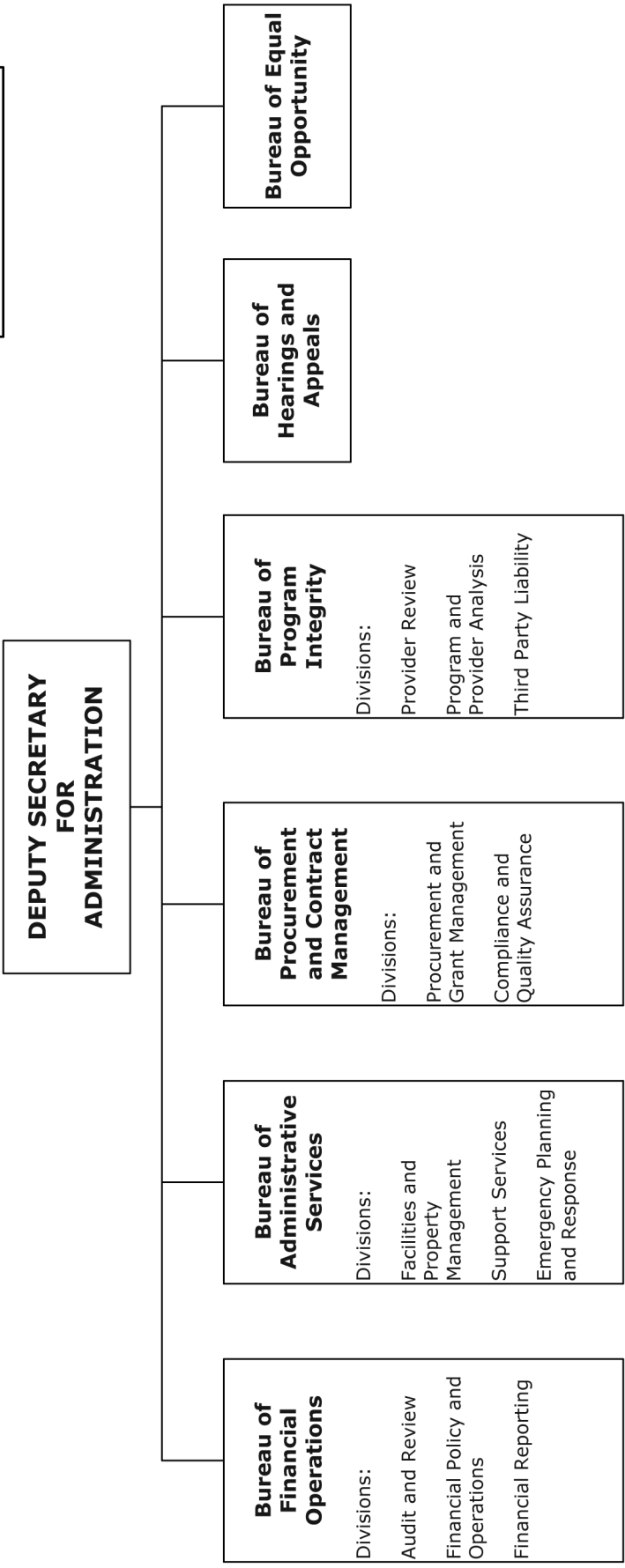
[Pa.B. Doc. No. 23-790. Filed for public inspection June 16, 2023, 9:00 a.m.]

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**DEPARTMENT OF HUMAN SERVICES  
DEPUTY SECRETARY FOR ADMINISTRATION**

**OR-23-010  
May 31, 2023**





# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6809 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	\$0.67 per pound
Available phosphate	\$0.55 per pound
Soluble potash	\$0.46 per pound

### Further Information

Further information is available by contacting David Husner, Agronomic Program Specialist, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5216.

### Effective Date

These commercial values are effective beginning July 1, 2023, and shall remain effective until further notice.

RUSSELL REDDING,  
*Secretary*

[Pa.B. Doc. No. 23-791. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 6, 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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-02-2023	683 Capital Partners, LP 683 Maiden Fund, LP New York New York County, NY	Approved
	Application for approval to purchase or otherwise acquire 16% or more of nonvoting series A preferred shares of Republic First Bancorp, Inc., Philadelphia, PA.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-31-2023	Mid Penn Bank Millersburg Dauphin County	1196 Walnut Bottom Road Carlisle Cumberland County	Approved
06-06-2023	Somerset Trust Company Somerset Somerset County	632 West Main Street Mount Pleasant Westmoreland County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-31-2023	Republic First Bank Philadelphia Philadelphia County	1818 Market Street Philadelphia Philadelphia County	Closed

**CREDIT UNIONS**

No activity.

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

WENDY S. SPICHER,  
*Interim Acting Secretary*

[Pa.B. Doc. No. 23-792. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2023

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government

securities is 3.80 to which was added 2.50 percentage points for a total of 6.30 that by law is rounded off to the nearest quarter at 6 1/4%.

WENDY S. SPICHER,  
*Interim Acting Secretary*

[Pa.B. Doc. No. 23-793. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Tuition Calculation for Alcohol Recovery Schools

Under section 1405-A of the Public School Code of 1949 (24 P.S. § 14-1405-A), the Department of Education (Department) has calculated the tuition rate for use in the alcohol recovery school identified by the Department.

The 2023-2024 final adjusted per-student tuition rate was calculated by multiplying the 2022-2023 preliminary adjusted per-student tuition rate of \$22,210.21 by the minimum of either 3% or the Consumer Price Index for the 12-month period ending September 30, 2022, of 8.2%, then rounding to the nearest \$100.

The Department has established a 2023-2024 final adjusted per-student tuition rate of \$22,900 for the alcohol recovery school identified by the Department.

DR. KHALID N. MUMIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-794. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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## APPLICATIONS

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

### APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water

Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

*Section Category*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD480020	Chapter 102 Individual NPDES Permit	Transfer	JJLH Assoc Ltd 675 State Avenue Emmaus, PA 18049-3029	Lower Nazareth Township Northampton County	NERO
PA0276537	Industrial Stormwater Individual NPDES Permit	Transfer	Godshalls Quality Meats 743 Hagey Center Drive Souderton, PA 18964-2403	Upper Milford Township Lehigh County	NERO
0213813	Joint DEP/PFBC Pesticides Permit	Renewal	Diamond Run Golf Course 132 Laurel Oak Drive Sewickley, PA 15143-9385	Ohio Township Allegheny County	SWRO
1514816	Joint DEP/PFBC Pesticides Permit	Renewal	Somerset Lake Service Corp P.O. Box 7368 Wilmington, DE 19803-0368	New Garden Township Chester County	SERO
1518809	Joint DEP/PFBC Pesticides Permit	Renewal	Kennedy Martha 418 Dutton Mill Road Malvern, PA 19355	Willistown Township Chester County	SERO
2313803	Joint DEP/PFBC Pesticides Permit	Renewal	Albani Pond 11 Hampton Lane Glen Mills, PA 19342-1609	Thornbury Township Delaware County	SERO
4613822	Joint DEP/PFBC Pesticides Permit	Renewal	Kevin Gallagher Private 309 Kinsey Road Harleysville, PA 19438-2820	Lower Salford Township Montgomery County	SERO
4613883	Joint DEP/PFBC Pesticides Permit	Renewal	Sesame Rockwood Camp 1702 Yost Road Blue Bell, PA 19422-3636	Whitpain Township Montgomery County	SERO
4615805	Joint DEP/PFBC Pesticides Permit	Renewal	Mayo Marcus 1105 Hagues Mill Road Ambler, PA 19002-6000	Upper Dublin Township Montgomery County	SERO
4616808	Joint DEP/PFBC Pesticides Permit	Amendment	Regency at Providence Community Assoc Inc. 199 Sloan Road Phoenixville, PA 19460	Upper Providence Township Montgomery County	SERO
4623810	Joint DEP/PFBC Pesticides Permit	New	Continental Property Management 975 Easton Road Suite 202 Warrington, PA 18976-1858	Upper Providence Township Montgomery County	SERO
4923801	Joint DEP/PFBC Pesticides Permit	New	Woods Jackie 213 Aspen Lane Northumberland, PA 17857-8444	Point Township Northumberland County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0623202	Manure Storage and Wastewater Impoundments Individual WQM Permit	New	Vanguard Organics LLC 133 Boston Post Road Weston, MA 02493-2525	Caernarvon Township Berks County	SCRO
0464595	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Pennsbury Village Borough Allegheny County 1043 Pennsbury Boulevard Pittsburgh, PA 15205-1643	Pennsbury Village Borough Allegheny County	SWRO
0899404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Bradford County 15900 Route 6 Troy, PA 16947-9308	West Burlington Township Bradford County	NCRO
NNOEXSC29	No Exposure Certification	Renewal	Carpenter Co. 2337 E Pleasant Valley Boulevard Altoona, PA 16601-8965	Antis Township Blair County	SCRO
NOEXNW061	No Exposure Certification	Renewal	Hanes Erie Inc. 7601 Klier Drive N Fairview, PA 16415-2447	Fairview Township Erie County	NWRO
NOEXNW230	No Exposure Certification	New	Diversified Coatings Inc. 224 River Road Ridgway, PA 15853-2138	Ridgway Township Elk County	NWRO
NOEXSC168	No Exposure Certification	Renewal	Intellicor LLC 3575 Hempland Road Lancaster, PA 17601-6912	West Hempfield Township Lancaster County	SCRO
PAG032204	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Dupont Terminal DE LLC 900 S Eisenhower Boulevard Middletown, PA 17057-5503	Pittston Township Luzerne County	NERO
PAG032240	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	Palmer Township Northampton County	NERO
PAG034007	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Rausch Creek Drying & Pkg LLC P.O. Box 1 401 Machamer Avenue Wiconisco, PA 17097-0001	Wiconisco Township Dauphin County	SCRO
PAG034011	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	JBS Souderton Inc. 741 Souder Road Souderton, PA 18964-2406	Washington Township Dauphin County	SCRO
PAG034020	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lapp Lumber Co. 1640 Mine Road Paradise, PA 17562-9744	Sadsbury Township Lancaster County	SCRO
PAG034023	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Toppan Interamerica Inc. 378 Thousand Oaks Boulevard Morgantown, PA 19543-9769	Caernarvon Township Berks County	SCRO
PAG034024	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Cresline Plastic Pipe Co. Inc. 264 Silver Spring Road Mechanicsburg, PA 17050-2840	Hampden Township Cumberland County	SCRO
PAG034025	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	NOV Fiber Glass System 14489 Croghan Pike Mount Union, PA 17066-8869	Shirley Township Huntingdon County	SCRO

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PAG034026	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	CNH Industrial America LLC 300 Diller Avenue New Holland, PA 17557-1631	New Holland Borough Lancaster County	SCRO
PAG034815	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Bishop Bros Const Co. Inc. 1376 Leisure Drive Towanda, PA 18848-9271	Sheshequin Township Bradford County	NCRO
PAG036174	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Wilson Home Heating Inc. 232 Center Gas Road Smock, PA 15480	Redstone Township Fayette County	SWRO
PAG036534	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	S & S Auto Salvage LLC 1999 Frankstown Road Johnstown, PA 15902-4507	Richland Township Cambria County	SWRO
PAG038348	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lindy Paving Inc. 1807 Shenango Road New Galilee, PA 16141-2241	Millcreek Township Erie County	NWRO
PAG041121	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Fahey Jessica 12086 Route 6 Corry, PA 16407-8976	Wayne Township Erie County	NWRO
PAG043875	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Vanvliet Katie 565 Mud Run Road York Springs, PA 17372-9533	Huntington Township Adams County	SCRO
PAG106231	PAG-10 NPDES General Permit for Hydrostatic Test Water	New	Laurel Mountain Midstream Operations LLC 111 Enterprise Lane Connellsville, PA 15425-6617	German Township Fayette County	SWRO
PAG123544	PAG-12 NPDES General Permit for CAFOs	Transfer	Wenger Farms Pork Products Network LLC 101 West Harrisburg Avenue Box 26 Rheems, PA 17570	Howe Township Perry County	SCRO
PAG123545	PAG-12 NPDES General Permit for CAFOs	Transfer	Wenger Farms Pork Products Network LLC 101 W Harrisburg Avenue Rheems, PA 17570	South Londonderry Township Lebanon County	SCRO
02722-S	Sewer Extensions Individual WQM Permit	Transfer	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
0617406	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Danciu Ina 3501 New Holland Road Mohnton, PA 19540-8638	Cumru Township Berks County	SCRO
2121402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Stoltzfus Stephen F 1645 Mountain Road Newburg, PA 17240-9123	Upper Mifflin Township Cumberland County	SCRO
2523415	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Ziegler Ryan 8660 Baron Road McKean, PA 16426-1155	McKean Township Erie County	NWRO

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2523418	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Douglas & Stacey Buettner 3079 Hannon Road Erie, PA 16510-4445	Harborcreek Township Erie County	NWRO
4123401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	White Lazarus 7415 Chestnut Street Great Falls, MT 59405-8614	Woodward Township Lycoming County	NCRO
WQG01010801	WQG-01 WQM General Permit	Transfer	Vanvliet Katie 565 Mud Run Road York Springs, PA 17372-9533	Huntington Township Adams County	SCRO
WQG01251311	WQG-01 WQM General Permit	Transfer	Fahey Jessica 12086 Route 6 Corry, PA 16407-8976	Wayne Township Erie County	NWRO
WQG02632301	WQG-02 WQM General Permit	New	Chartiers Township Washington County 2 Buccaneer Drive Houston, PA 15342-1181	Chartiers Township Washington 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.**

*Northeast Regional Office*

**PA0061336**, Industrial, SIC Code 4941, **Pennsylvania American Water Company**, 1799 Jumper Road, Wilkes-Barre, PA 18702. Facility Name: Nesbitt Water Treatment Plant. This existing facility is located in Pittston Township, **Luzerne 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, Trout Creek (HQ-CWF), is located in State Water Plan watershed 5-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.66 MGD.

(From Permit Effective Date to 1 Year After Permit Effective Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.66 MGD.

(From 1 Year After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.13	XXX	0.30

The proposed effluent limits for Outfall 001 are based on a design flow of 0.66 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	4.1	6.0	XXX	0.75	1.1	1.8
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.66 MGD.

(From Permit Effective Date to Permit Expiration Date)

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

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

- Sedimentation Basin Cleaning

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

*Northeast Regional Office*

**PAS212218**, Storm Water, SIC Code 3271, **Oldcastle APG Northeast, Inc.**, 800 Uhler Road, Easton, PA 18040-6617. Facility Name: Oldcastle APG Northeast, Inc.—Easton Facility. This existing facility is located in Forks Township, **Northampton County**.

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

The receiving stream(s), Bushkill Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-F and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0026280**, Sewage, SIC Code 4952, **Lewistown Borough, Mifflin County**, 2 E 3rd Street, Lewistown, PA 17044-1701. Facility Name: Lewistown STP. This existing facility is located in Lewistown Borough, **Mifflin 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), Juniata River (WWF, MF), is located in State Water Plan watershed 12-A 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 2.818 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	585	940	XXX	25.0	40.0	50
BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	705	1,055	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Fecal Coliform (No./100 ml)	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
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) Effluent Net	XXX	51,964	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) Effluent Net	XXX	6,942	XXX	XXX	XXX	XXX
		Total Annual				

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

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

- The permittee is authorized to use 8,812.5 lbs/year as Total Nitrogen (TN) offsets toward compliance with the Annual Net TN mass load limitations (Cap Loads)

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

- Stormwater prohibition, Approval contingencies, Solids management, Restriction on receipt of hauled in waste under certain conditions, WET testing requirements, High flow management plan requirement and Stormwater 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 not in effect.

*Southcentral Regional Office*

**PA0080730**, Sewage, SIC Code 8211, **West Perry School District**, 2606 Shermans Valley Road, Ellittsburg, PA 17024-9132. Facility Name: Blain Elementary School. This existing facility is located in Blain Borough, **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 (HQ-CWF), is located in State Water Plan watershed 7-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX					
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum						
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0					
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX					
			5.0								
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6					
			XXX								
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10	XXX	20					
			XXX								
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20					
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				
Ammonia-Nitrogen	XXX	XXX	XXX	9.0	XXX	18					
							Nov 1 - Apr 30				
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6					
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4					

The proposed effluent limits for Outfall 001 are based on a design flow of .005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		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	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		

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*

**PA0084603**, Sewage, SIC Code 8361, **Fairmount Homes**, 333 Wheat Ridge Drive, Ephrata, PA 17522-8558. Facility Name: Fairmount Homes. This existing facility is located in West Earl Township, **Lancaster 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, Conestoga River (WWF), is located in State Water Plan watershed 7-J 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 .035 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.6 Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .035 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

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*

**PA0293962**, Sewage, SIC Code 8811, **Matthew Snook**, 2743 Grandview Road, Tyrone, PA 16686-7417. Facility Name: Snook Property Blair County. This proposed facility is located in Antis Township, **Blair 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), Bells Gap Run (TSF, MF), is located in State Water Plan watershed 11-A and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0293997**, Sewage, SIC Code 8811, **Ryan Miller**, 278 Dreibelbis Station Road, Lenhartsville, PA 19534-9310. Facility Name: Ryan Miller Residence. This proposed facility is located in Greenwich Township, **Berks 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), Maiden Creek (TSF, MF), is located in State Water Plan watershed 3-B and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Monthly Average</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Monthly Average</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- Submittal of Annual Maintenance Reports (AMR)
- Routine measuring of septage and scum in treatment units and pumping of septic tank
- Keeping UV disinfection contact surface clean

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*

**PA0097390**, Sewage, SIC Code 9999, **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123-1303. Facility Name: Vekaplast Plant. This existing facility is located in Marion Township, **Beaver County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.028 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Flow (MGD)	0.028	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	5.5	XXX	XXX	25.0	XXX	50.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	7.0	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
Total Nitrogen	Report	XXX	XXX	Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	0.5	XXX	XXX	Report	XXX	Report
				2.0	XXX	4.0

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0285102**, Sewage, SIC Code 8800, **Dale R Versaw**, 611 Ashton Court, Irwin, PA 15642-3692. Facility Name: Versaw Properties SRSTP. This proposed facility is located in Unity Township, **Westmoreland 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 Little Crabtree Creek (WWF), is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- Optimization of chlorine dosage
- UV disinfection system maintenance

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.

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

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#### *Southeast Regional Office*

Applicant: **Kenneth Connors and Andrea Connors**

Applicant Address: 25 Sweetbriar Lane, Glen Mills, PA 19342

Application Number: **PAD150294**

Application Type: New

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

Total Earth Disturbance Area (acres): 8.14 acres

Surface Waters Receiving Stormwater Discharges: Ridley Creek (HQ-TSF, 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 applicants are proposing to construct one residential dwelling and one detached barn/stable within their property. The site is located at 1671 and 1681 East Strasburg Road in East Goshen Township, Chester County.

Special Conditions: N/A

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

#### *Southeast Regional Office*

Applicant: **Britton Realty of Morrisville LLC**

Applicant Address: 227 Bakers Basin Road, Lawrenceville, NJ 08648-3307

Application Number: **PAD090093**

Application Type: New

Municipality/County: Falls Township, **Bucks County**

Total Earth Disturbance Area (acres): 17.13 acres

Surface Waters Receiving Stormwater Discharges: Delaware Canal (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: Construction of a millings storage lot for mulch production and storage. Construction of a stormwater management basin.

Special Conditions: N/A

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

*Southeast Regional Office*

Applicant: **Malvern Preparatory School**

Applicant Address: 418 South Warren Avenue, Malvern, PA 19355-2707

Application Number: **PAD150298**

Application Type: New

Municipality/County: Malvern Borough, **Chester County**

Total Earth Disturbance Area (acres): 7.75 acres

Surface Waters Receiving Stormwater Discharges: Crum 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: Conversion of two grassed athletic fields to synthetic turf fields with proposed athletic facility bldg, bleachers, and walkways. Underground detention/infiltration basins under each field to provide control rate, volume, and water quality of runoff.

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: **Pennsylvania-American Water Company**

Applicant Address: 852 Wesley Drive, Mechanicsburg, PA 17055

Application Number: **PAD350037**

Application Type: New

Municipality/County: Roaring Brook Township, **Lackawanna County**

Total Earth Disturbance Area (acres): 6.63 acres

Surface Waters Receiving Stormwater Discharges: Stafford Meadow Brook (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 project involves the construction of a new water storage tank, gravel pad, access road, and stormwater management BMP facilities at the existing Scranton Area Water Treatment Plant.

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: **Thomas Rowinski**

Applicant Address: 1909 Davis Drive, Norristown, PA 19403

Application Number: **PAD150277**

Application Type: New

Municipality/County: West Vincent Township, **Chester County**

Total Earth Disturbance Area (acres): 3.68 acres

Surface Waters Receiving Stormwater Discharges: UNT to Pickering Creek (HQ-TSF)

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: Single-family residence with associated driveway, grading, stormwater and utilities.

Special Conditions: N/A

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

*Southeast Regional Office*

Applicant: **802 E. Baltimore Pike, LLC**

Applicant Address: 20 S. Olive Street, Suite 203, Media, PA 19063

Application Number: **PAD150310**

Application Type: New

Municipality/County: East Marlborough Township and Kennett Township, **Chester County**

Total Earth Disturbance Area (acres): 6.06 acres

Surface Waters Receiving Stormwater Discharges: UNT to E. Branch of Red Clay Creek (TSF, 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 land development project is proposing to construct a two-story, 25,000 sf medical office, a 5,440 sf gas station and retail facility, and a one story, 2,332 sf restaurant with associated parking located at 802-810 East Baltimore Pike in E. Marlborough Township.

Special Conditions: N/A

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

**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>
Noah W. Kreider & Sons, LLP—Milton Grove Farm 2036 Mount Pleasant Road Mount Joy, PA 17552	Lancaster County	151.7	3,611	Layers	NA	New

<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>
Ben Moyer 20 Dead End Road Annville, PA 17003	Lebanon County	55	269.09	Broiler	NA	Renewal
R&F Family Farms Andrew Reitz 214 Cedar Road Paxinos, PA 17872	Northumberland County	17.9	1,865.40	Swine	NA	Renewal
Anthony Oberholtzer 1500 Pine Grove Road Bethel, PA 19507	Berks County	210	450.51	Poultry Broilers	NA	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

Individuals wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30-days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (DEP) the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

**SAFE DRINKING WATER**

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

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

*Contact: Nicole Mechtly, Clerical Supervisor II, 570-327-3490.*

**Application No. 5723502**, Construction, Public Water Supply.

**Applicant** **Eagles Mere Historic Villages (Village Store Properties)**  
**Address** P.O. Box 362  
 Eagles Mere, PA 17731

**Municipality** Eagles Mere Borough  
**County** **Sullivan County**  
**Responsible Official** Kristin Montgomery  
 288 Eagles Mere Avenue  
 Eagles Mere, PA 17731  
**Consulting Engineer** Irina O. Hott  
 JHA Companies  
 466 S. Main Street  
 Montrose, PA 17731  
**Application Received** May 31, 2023  
**Description** The project consists of an application for the permitting of the existing public water supply system at Eagles Mere Village Shops (PWSID # 2570402) for the addition of chlorination for disinfection and filtration for iron/manganese removal.

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

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

**Application No. 2023502**, Construction, Public Water Supply.

**Applicant** **Pinedale Mobile Home Park**  
**Address** c/o Steven D. and Joycie L. Pfaff  
 4463 Pitts Road  
 Adamsville, PA 16110  
**Municipality** East Fallowfield Township  
**County** **Crawford County**  
**Responsible Official** Steven D. and Joycie L. Pfaff  
 4463 Pitts Road  
 Adamsville, PA 16110  
**Consulting Engineer** Steven R. Halmi, P.E.  
 Deiss & Halmi Engineering, Inc.  
 105 Meadville Street  
 Edinboro, PA 16412  
**Application Received** May 31, 2023  
**Description** Install Aldex CR 26 media filtration system for treatment of arsenic, iron and manganese. Replace existing chlorine contact tanks with new chlorine contact pipe segment.



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

*Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.*

**Application No. 3823502**, Construction, Public Water Supply.

Applicant	<b>Country View Grocery, LLC</b>
Address	1941 Horseshoe Pike Annville, PA 17003
Municipality	South Annville Township
County	<b>Lebanon County</b>
Responsible Official	Dale E. Zimmerman 1941 Horseshoe Pike Lebanon, PA 17003
Consulting Engineer	Charles A. Kehew, II, P.E. James R. Holley & Associates 18 South George St Suite 300 York, PA 17401
Application Received	February 1, 2023
Description	This application is for the installation of a disinfection system for the 4-log inactivation of viruses by free chlorine in the Country View Grocery Store public water system.

*Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Kimberleigh Rivers, Clerical Assistant 2, 484-250-5887.*

**Application No. 0923508**, Construction, Public Water Supply.

Applicant	<b>Peddlers Village</b>
Address	Route 202 P.O. Box 218 Lahaska, PA 18931
Municipality	Buckingham Township
County	<b>Bucks County</b>
Responsible Official	William F. Selders 65 E. Butlers Avenue Newtown, PA 18901-5106
Consulting Engineer	Gilmore & Associates 65 East Butler Avenue Newtown, PA 18901-5106
Application Received	June 2, 2023
Description	Install 45 gpm well pump and 45 gpm treatment building and mechanical components.

**Application No. 0923509**, Construction, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b>
Address	852 Wesley Drive Mechanicsburg, PA 17055-4436
Municipality	Lower Makefield Township
County	<b>Bucks County</b>

Responsible Official	Kelly Kowalski 852 Wesley Drive Mechanicsburg, PA 17055-4436
Consulting Engineer	Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17055-4436
Application Received	June 5, 2023
Description	Existing water storage tank and booster pump station will be replaced in kind. New pump station will include an additional second pump for redundancy. Booster pump station will include a new control panel and various instrument for the new pumps.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the

remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

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

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

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

**National Foam**, Primary Facility ID # **793923**, 350 Union Street, West Chester, PA 19382, West Chester Borough, **Chester County**. Sarah Stoneking, Ramboll US Consulting, Inc., 4245 North Fairfax Drive, Suite 700, Arlington, VA 22203 on behalf of Hank Shaefer, National Foam, Inc., 350 East Union Street, West Chester, PA 19382, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with various metals, SVOCs, VOCs and PFAS. The property will be nonresidential for commercial or industrial use. The proposed cleanup standard for the site is the background standard/site-specific standard/Statewide health standard The Notice of Intent to Remediate was published in *Daily Local News* on April 20, 2023. Application received: May 3, 2023.

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

**4663 Paul Street**, Primary Facility ID # **851394**, 4663 Paul Street, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. John Sunkler, EnviroSure, Inc., 1 North Bacton Hill Road, Suite 208, Malvern, PA 19355 on behalf of Kimberly Washington, Esq., Frankford Community Development Corporation, 4667 Paul Street, 2nd Floor, Philadelphia, PA 19124, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dibromoethane, 1,2-dichloroethane, benzene, ethylbenzene, isopropyl benzene, MTBE, naphthalene, toluene, and total xylenes which have contaminated soil and groundwater. The proposed future use of the site is mixed-use residential and commercial. The proposed cleanup standard for the site is the site-specific standard The Notice of Intent to Remediate was published in *Metro Philadelphia* on May 4, 2023. Application received: May 11, 2023.

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

*Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.*

**39th & Foster Street Property**, Primary Facility ID # **860332**, 32 39th and 3739 Foster Street, Pittsburgh, PA 15201, City of Pittsburgh, **Allegheny County**. PVE, LLC, 2000 Georgetown Drive, Suite 101, Sewickley, PA 15143 on behalf of Incheon Ventures, LLC, 1212 New York Avenue, Floor 10, Washington, DC 20005, submitted a Notice of Intent to Remediate. Based on Phase I Environmental Site Assessments (ESAs) completed in

2021 and 2023 for the 39th Street and Foster Street parcels, respectively, historic operations conducted on and nearby the subject property have consisted of brass/bronze foundries, machine shops, carpenter shops, a flour mill, a slaughterhouse, and other industrial operations which were likely to have used and managed various chemicals, petroleum, and wastes which have the potential to contaminate subsurface media. Prior to purchasing the property, a Phase II ESA was completed on the 39th Street portion of the subject property in 2021, consisting of the collection of several shallow and deep soil samples (via soil borings) and the installation and subsequent sampling of four (4) groundwater monitoring wells. Laboratory analytical results identified the presence of arsenic, lead and various polycyclic aromatic hydrocarbons (PAHs) at concentrations exceeding their applicable Statewide health standards (SHSs) in both soil and groundwater, as well as a SHS exceedance of the volatile organic compound (VOC) tetrachloroethylene (PCE) from one of the four groundwater monitoring wells. The source of the impacts cannot be currently confirmed; however, their presence is attributed to the past industrial uses of the property and/or surrounding properties. A Phase II ESA was conducted on the Foster Street portion of the subject property in 2023, consisting of the collection of soil, groundwater and soil vapor samples for laboratory analysis. Similar to 39th Street, PAHs and metals were detected in soils at concentrations exceeding SHSs. None of the contaminants analyzed for from the Foster Street samples were detected in groundwater or soil vapor at concentrations exceeding SHSs. The Notice of Intent to Remediate was published in the *Post-Gazette* on May 28, 2023. Application received: May 26, 2023.

**EQT Stattler Road Well Pad**, Primary Facility ID # **867122**, 223 Stattler Road, Waynesburg, PA 15370, Whiteley Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301 on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by brine-related constituents following a release of produced fluid from holes in the secondary containment. The anticipated future use of the property is residential and maintain continued production of the wells. The Notice of Intent to Remediate was published in *The Observer-Reporter* on May 23, 2023. Application received: June 1, 2023.

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

**Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

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

*Contact: Waste Management Program Manager.*

**WMGR123SW046, Platinum Fluid Solutions, LLC**, P.O. Box 265, Mt Morris, PA 15349, Whiteley Township, **Greene County**. This application is to modify the Waste Acceptance Plan, Radiation Protection Action Plan and the PPC Plan of the Kirby Produced Fluid Storage

Facility, 1680 Kirby Road, Whiteley Township, PA 15370 and to inform that another company has been retained to operate the facility. Application received: October 28, 2022. Deemed administratively complete: November 10, 2022.

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

#### **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.**

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

*Contact: Lisa D. Houser, P.E., Facilities Manager, 570-327-3740.*

**101315. Heaps Container Service, LLC**, P.O. Box 208, 388 Jerseytown Road, Millville, PA 17846, Madison Township, **Columbia County**. Solid waste permit renewal for the operation of the Millville Transfer Station. Application received: May 30, 2023.

Comments or questions concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### **HAZARDOUS WASTE TRANSPORTER LICENSE**

**Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.**

##### *Renewal Applications Received*

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

*Contact: Jonathan Adams.*

**Safety-Kleen Systems, Inc.**, 42 Longwater Dr., Norwell, MA 02061. **License No. PA-AH 0172**. Accepted: May 31, 2023.

**Select Transportation, Inc.**, 5055 Nike Dr., Hilliard, OH 43026. **License No. PA-AH 0469**. Accepted: June 1, 2023.

**Daniels Sharpsmart, Inc.**, 111 W Jackson Boulevard, Chicago, IL 60604. **License No. PA-AH 0864**. Accepted: May 31, 2023.

**John Brown Trucking, Inc.**, 8063 Southern Blvd., Youngstown, OH 44512. **License No. PA-AH 0892**. Accepted: May 31, 2023.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

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

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

#### PLAN APPROVALS

**Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.**

*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.*

**40-00120A: Cargill Cocoa & Chocolate** 400 Stoney Creek Road, Hazle Township, PA 18202, Hazle Township, **Luzerne County**. Application received: May 19, 2023. For the modification and operation of a 49.6 MMBtu/hr boiler at the existing manufacturing facility in Hazle Township, Luzerne County.

#### 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.**

*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.*

**09-0253: Eastern Web Handling, Inc.**, 66 Vincent Circle, Ivyland, PA 18974, Northampton Township, **Bucks County**. Application received: October 13, 2022. This action is for the installation of two (2) flexographic printing presses at the facility located in Northampton Township, Bucks County. One six (6) station flexographic press and one eight (8) stations flexographic press. Eastern Web Handling, Inc. is a minor source for Volatile Organic Compound (VOC) emissions with a potential to emit less than 10 tons VOC per year, and the facility is an area source for Hazardous Air Pollutants (HAP). The requirements of 25 Pa. Code § 129.67a apply to the new flexographic presses. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

**09-0107B: Oldecastle APG Northeast Inc.**, 1214 Hayes Blvd, Bristol, PA 19007, Bristol Township, **Bucks County**. Application received: February 2, 2023. This plan approval is for the installation of a new rotary dryer, Source ID 102B, with a low NO<sub>x</sub> gas fired burner. The dryer replaces an existing rotary dryer, Source ID 102A. The expected net increase in potential emissions from this project are as follows: 2.71 tpy PM, 0.82 tpy NO<sub>x</sub>, 0.41 tpy VOC, 0.14 tpy HAPs, 0.04 tpy SO<sub>x</sub>, and 6.19 tpy CO. The Plan Approval contains recordkeeping requirements and

operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0197B: Hiossen, Inc.**, 85 Ben Fairless Dr, Fairless Hills, PA 19030-5012, Falls Township, **Bucks County**. Application received: January 30, 2023. This action is for the installation of one (1) unit of acid etching machine and two (2) units of packed tower scrubbers. Acid vapor emissions generated from the proposed acid etching process are vented to one of the packed tower scrubbers for acid vapor emissions control. This project has the following emission potential: 0.59 TPY hydrochloric acid (HCl) and 0.39 TPY sulfuric acid (H<sub>2</sub>SO<sub>4</sub>). The proposed packed tower scrubbers meet the Department's BAT standards. The plan approval contains all applicable requirements including monitoring, recordkeeping, reporting and work practice requirements to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft plan approval can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

**15-00037: Idemia America Corporation**, 523 James Hance Court, Exton, PA 19341, West Whiteland Township, **Chester County**. Application received: January 10, 2023. This action is for an initial State Only Operating Permit in West Whiteland Township, Chester County. The facility operates a security and credit card manufacturing facility at this location. Permitted sources consist of three (3) screen presses, three (3) lithographic presses, various rooftop heaters, two (2) boilers, and two (2) emergency generators. The primary pollutants of concern are evaporative losses from the inks and coatings used in the printing presses consisting of volatile organic compounds (VOC) and hazardous air pollutants (HAP). The facility was previously permitted as a major facility under a Title V Operating Permit (TVOP); however, because emissions have been consistently fallen below major source thresholds, the facility has elected to take appropriate operating and emission restrictions to maintain a synthetic minor operating status. VOC emissions will be restricted to below 24.9 tons per year, total combined HAP emissions will be restricted to 24.9 tons per year, and individual HAP emissions will be restricted to 9.9 tons per year, which will become effective upon issuance of the State Only Operating Permit, and the previous Title V Operating Permit will be revoked. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

**46-00093: Main Line Hospitals Inc.**, 130 S Bryn Mawr Ave, Bryn Mawr, PA 19010, Lower Merion Township, **Montgomery County**. Application received: November 18, 2022. This action is for the renewal of the Synthetic Minor Permit. There are no new sources. Sources of emission at the facility are: Boilers and Generators. The facility takes an emission restriction of 24.9 tons/year of NO<sub>x</sub> emissions. The facility is an area source of NO<sub>x</sub> and CO emissions. Actual emissions over the last five years averaged 8.39 tons/year of NO<sub>x</sub> and

6.71 tons/year of CO. The facility is subject to 40 CFR Part 60 Subpart III and regulations under the Pennsylvania Air Pollution Control Act. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

### OPERATING PERMITS

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

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

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

**OP22-000013, Constellation Energy Generation, LLC—Southwark Generating Station**, 2501 S. Delaware Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Application received: February 21, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Title V Operating Permit (TVOP) for the operation of an electric generating facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources include four (4) 233 million British thermal unit per hour combustion turbines firing No. 2 fuel oil or kerosene. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS\_Service\_Requests@phila.gov. Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to DPHAMS\_Service\_Requests@phila.gov with "Constellation Energy Generation, LLC—Southwark Generating Station OP22-000013" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail.

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

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

**06-05040, East Penn Manufacturing Company, Inc.**, P.O. Box 147, Deka Road, Lyon Station, PA 19536, Richmond Township, **Berks County**. Application received: December 21, 2022.

Approval of a Reasonably Available Control Technology (RACT) 3 plan for the East Penn Manufacturing Company, Inc., as a significant modification to its applicable Title V operating permit.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection (Department, DEP) has made a preliminary determination to approve a RACT 3 plan for the East Penn Manufacturing Company, Inc. The RACT 3 plan approval, if approved by the Department, will be issued as a significant modification to the facility's Title V operating permit (06-05040).

The RACT 3 plan approval incorporates provisions and requirements for the control of emissions of nitrogen oxides (NO<sub>x</sub>) and/or volatile organic compounds (VOCs). These provisions and requirements are intended to address the Commonwealth's RACT obligations under section 184 of the Clean Air Act for the 1997, 2008 and 2015 8-hour ozone National Ambient Air Quality Standards. The RACT 3 plan approval does not adopt any new regulations. If approved by the Department, this RACT 3 plan approval will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP). Requirements that are not part of the RACT 3 plan approval will be excluded from the SIP revision submittal.

The following is a summary of the RACT 3 plan approval requirements for this facility that are proposed to be submitted to the EPA as a revision to the Commonwealth's SIP:

#### RACT III Case-by-Case Requirements

I. Sources 101 (Blast Furnace—BH # 5) & 108 (Reverberatory Furnace & Tapping—BH # 5)

(a) For the combined exhaust of Sources 101 and 108, the permittee shall limit emissions to the following:

(1) 0.6 lb NO<sub>x</sub>/mmBtu determined in accordance with Section E, Source Group 07, VII Additional Requirements, Condition # 001(l)(h)

(b) The permittee shall limit the emissions from the furnaces to the following:

(1) Total Hydrocarbons—20 ppmv measured as propane at 4% carbon dioxide in accordance with Condition # 001(l)(h) (both furnaces)

(2) Total Hydrocarbons—360 ppmv measured as propane at 4% carbon dioxide in accordance with Condition # 001(l)(h) (blast furnace only)

(3) Total Hydrocarbons—20 ppmv measured as propane at 4% carbon dioxide in accordance with Condition # 001(l)(h) (reverberatory furnace only)

(c) The permittee shall pass the exhaust of both furnaces through the afterburner.

(d) Source 101/108 shall not exceed 7,680 hours of operation during any consecutive 12-month period (rolling basis). The hours of operation shall be recorded.

(e) The permittee shall comply with the requirements of 40 CFR Part 63, Subpart X—National Emission Standards From Secondary Lead Smelting, with regard to total hydrocarbon emissions, controls, testing, monitoring, recordkeeping, reporting and work practices.

(f) After the initial source test has been completed, source tests for NO<sub>x</sub> and VOC shall be conducted once in

each 5-year calendar period. Unless otherwise approved in writing by DEP, emission testing for VOC shall be conducted using EPA Methods 1—4, 18, and 25A, and the Method 25A results shall be corrected for non-VOC hydrocarbons using Method 18. Unless otherwise approved in writing by DEP, emission testing for NO<sub>x</sub> shall also be conducted using EPA Methods 1—4 and 7E.

(g) The permittee shall employ good combustion practices when operating Source IDs 101 and 108 to limit NO<sub>x</sub> and VOC emissions.

(h) The permittee shall keep records to demonstrate compliance with 25 Pa. Code §§ 129.111—129.115. In accordance with 25 Pa. Code § 129.115(f) and (k), the records shall be retained by the permittee for 5 years and made available to the Department upon receipt of a written request from the Department.

#### II. Source 115 (Miscellaneous Chemical Use)

(a) Source 115 includes but is not limited to VOC emissions from miscellaneous process related chemicals. The permittee shall meet RACT 3 requirements for Source 115 by complying with the following:

(1) Engaging in good operating practices to limit VOC emissions. Good operating practices include methods such as proper employee training, standard operating procedures, periodic inspections, good housekeeping, monitoring, and recordkeeping, and where possible use products subject to 25 Pa. Code Chapter 130—Standards for Products.

Upon approval of the case-by-case RACT 3 requirements as a SIP revision, the case-by-case RACT 2 conditions in Group SG08 shall be superseded by the case-by-case RACT 3 requirements, except for the following requirements for Source IDs 101/108: I.a.2, b.4 & g & Source ID 115: II.a.2. Except for those conditions that will not be superseded, the RACT 3 conditions are the same as the RACT 2 requirements.

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Thomas Hanlon, Environmental Engineering Manager, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, or at thanlon@pa.gov on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on July 17, 2023.

Each written submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT 3 plan approval, including the permit number, and a concise statement regarding the RACT 3 plan approval provision or requirement that the person is commenting on and the relevancy of the information or objections to issuance of the RACT 3 plan approval.

A public hearing will be held on July 27, 2023, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed RACT 3 plan approval action and the proposed SIP revision. To register to speak at the hearing, please contact Tom Hanlon at 717.705.4862. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be the Friday before the hearing.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written

copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to Tom Hanlon at 909 Elmerton Avenue, Harrisburg, PA 17110, or at thanlon@pa.gov.

All pertinent documents are available electronically for public review and copies can be requested by contacting Tom Hanlon at 717.705.4862 or at thanlon@pa.gov.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Hanlon at 717.705.4862 or make accommodations through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD).

### 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.*

**49-00038, Xylem Water Solutions Zelenople LLC**, 455 West 8th Street, Watsonstown, PA 17777, Delaware Township, **Northumberland County**. Application received: November 17, 2022. The Department intends to reissue a State Only (Natural Minor) Operating Permit for the anthracite coal preparation plant. The facility has the potential to emit 4.67 tons of nitrogen oxides (NO<sub>x</sub>) per year, 1.17 tons of carbon monoxide (CO) per year, insignificant amounts of volatile organic compounds (VOCs) per year, 0.02 ton of sulfur oxides (SO<sub>x</sub>) and 45.37 tons of particulate matter (PM, including PM<sub>10</sub>) 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.

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

**19-00024, Benton Foundry Inc.**, 5297 State Ret. 487, Benton, PA 17814, Sugarloaf Township, **Columbia County**. Application received: August 31, 2022. The Department intends to issue a renewal State Only (Synthetic Minor) Operating Permit for the company's iron foundry. The facility's main sources include one (3) electric induction furnaces, sand handling equipment, core and mold making machines and metal grinders and tumblers. The facility has potential to emit under 65.74 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 6.77 tpy of nitrogen oxides, 93.78 tpy of carbon monoxide, 24.23 tpy of volatile

organic compounds, 10.50 tpy of hazardous air pollutants and 0.65 tpy of sulfur oxides. The facility is subject to 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 63 and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

*Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.*

**54-00033, Waste Management and Processors Inc.,** P.O. Box K, Frackville, PA 17931, Mahanoy Township, **Schuylkill County.** Application received: April 12, 2023. The Department intends to issue a renewal State-Only Operating Permit for their coal refuse processing plant. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00125, Sunlight Crematory of Wilkes-Barre LLC,** 628 Nanticoke St, Hanover Township, PA 18706, Hanover Township, **Luzerne County.** Application received: May 4, 2023. The Department intends to issue a renewal State-Only Operating Permit for their crematory. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00005, Vorteq Coil Finishers LLC,** 2233 26th St SW, Allentown, PA 18103, City of Allentown, **Lehigh County.** Application received: April 19, 2023. The Department intends to issue a renewal State-Only Operating Permit for their metal coating and allied services manufacturing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**20-00281, Channellock, Incorporated,** 1306 South Main Street, Meadville, PA 16335, City of Meadville, **Crawford County.** Application received: June 23, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the hand tools products manufacturing facility. The facility's primary emission sources include miscellaneous natural gas combustion (5 mmBtu/hr total), miscellaneous natural gas process use (27.51 mmBtu/hr total), a metal polishing process, a heat treat furnace, two (2) non-emergency generators, and an emergency generator. Potential emis-

sions of the primary pollutants are as follows: 26.06 TPY NO<sub>x</sub>, 11.42 TPY CO, 0.67 TPY VOC, 1.15 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.09 TPY SO<sub>x</sub>; thus, the facility is a Natural Minor. The non-emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emergency generator is subject to 40 CFR Part 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**62-00018, Warren State Hospital,** 33 Main Drive, Warren, PA 16365, Conewago Township, **Warren County.** Application received: June 30, 2022. The Department intends to issue a renewal of the State Only Operating Permit for Warren State Hospital. The significant sources at this facility are 3 natural gas fired boilers, various small space and water heaters, and 10 emergency power generators. The 7 emergency generators installed prior to 2006 are each limited to a maximum of 325 hours of operation in any 12 consecutive month period. The boilers primarily burn natural gas. Periodic testing of liquid fuels in the boilers shall not exceed a combined total of 48 hours during any calendar year. Two of the emergency power generators are subject to 40 CFR 60, Subpart IIII, the New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines. Actual emissions reported from the facility for 2022 were as follows: 5.68 tons CO; 6.76 tons NO<sub>x</sub>; 0.21 ton PM<sub>10</sub>; 0.05 ton SO<sub>x</sub>; and 0.40 ton VOC. This facility is a Synthetic Minor. The potential emissions from this facility are as follows: 32.98 tpy CO; 61 tpy NO<sub>x</sub>; 5.74 tpy PM<sub>10</sub>; 17.42 tpy SO<sub>x</sub>; and 2.8 tpy VOC. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit. 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.

**23-00019, Forest State Correctional Institute,** One Woodland Drive, Marienville, PA 16239, Jenks Township, **Forest County.** Application received: July 12, 2022. The Department intends to issue a renewal of the State Only Operating Permit for the State Correctional Institution (a.k.a. Forest SCI). The primary sources at the facility include 3 natural gas fueled boilers rated at 25 million Btu/hr each, several small natural gas fueled heaters, two 2,931 hp No. 2 oil fueled emergency generators, and a 149 hp oil fueled emergency generator. The facility is a Synthetic Minor. Actual emissions reported from the facility for 2022 were as follows: 3.65 tons CO; 1.87 tons NO<sub>x</sub>; 0.31 ton PM<sub>10</sub>; 0.37 ton SO<sub>x</sub>; and 0.25 ton VOC. Potential emissions are as follows: PM 16.49 tpy; NO<sub>x</sub> 81.76 tpy; SO<sub>x</sub> 13.14 tpy; CO 70.92 tpy; VOC 17.47 tpy. The facility is subject to 40 CFR Part 60 Subpart Dc, Standards of Performance Small Industrial—Commercial—Institutional Steam Generating Units. It is also subject to 40 CFR Part 63 Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities. The 149 hp emergency generator is subject to 40 CFR Part 60 Subpart IIII, New Source Performance Standards for Stationary Compression Ignited Internal Combustion Engines. The permit incorporates plan approvals previously issued to the facility and contains emission restrictions, recordkeeping,

work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**42-00198, Elkhorn Gas Processing LLC, Kane Plant**, 4613 East 91st Street, Tulsa, OK 74137-2852, Wetmore Township, **McKean County**. Application received: April 14, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the natural gas processing station. The facility's primary emission sources include: a hot oil heater, three (3) existing lean-burn natural gas-fired compressor engines, one (1) new lean burn natural gas-fired engine (600 bhp), a glycol natural gas dehydrator, five (5) 30,000-gallon storage tanks, and facility fugitives. The potential emissions of the primary pollutants from the facility are as follows: PM<sub>10</sub> and PM<sub>2.5</sub>: 4.2 TPY, NO<sub>x</sub>: 10.51 TPY, SO<sub>x</sub>: 0.06 TPY, CO: 41.48 TPY, VOC: 38.91 TPY, and total HAP: 6.82 TPY; thus, the facility is a natural minor. The three existing compressor engines are subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for stationary RICE, the new 600 HP engine is subject to 40 CFR 60, Subpart JJJJ, NSPS for stationary spark ignition ICE, and the facility is subject to 40 CFR Part 60, Subpart KKK, NSPS for equipment leaks of VOC. Fugitive emission sources are subject to the newly promulgated regulations of 25 Pa. Code §§ 129.131—129.140, Control of VOC Emissions from Conventional Oil and Natural Gas Sources. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

**OP22-000059, GE Hitachi Nuclear Energy Philadelphia Service Center**, 1040 E Erie Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Application received: December 29, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Natural Minor Operating Permit (NMOP) for the operation of a service center in the City of Philadelphia, Philadelphia County. The facility's air emissions' sources include the following:

- One (1) paint booth
- One (1) natural gas boiler rated 1.5 million British thermal units per hour (MMBtu/hr)
- Two (2) natural gas boilers rated 1.3 MMBtu/hr
- Three (3) natural gas space heaters rated 0.35 MMBtu/hr
- One (1) cold cleaner degreaser
- A carpenter shop with two (2) disc sanders, two (2) cutoff saws, two (2) band saws, one (1) drill press, and other insignificant sources
- Two (2) aerosol can recycling systems
- Sixty-five (65) natural gas radiant space heaters each rated 0.125 MMBtu/hr
- One (1) diesel fire pump 74 rated horsepower
- Two (2) glove boxes

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the

Source Registration Unit at 215-685-7572 or DPHAMS\_Service\_Requests@phila.gov. Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to DPHAMS\_Service\_Requests@phila.gov with "GE Hitachi Nuclear Energy OP22-000059" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail.

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

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

**07-03063, Sorge Funeral Home Inc., Hollidaysburg Facility**, 442 N. Juniata Street, Hollidaysburg, PA 16648, Hollidaysburg Borough, **Blair County**. Application received: March 28, 2023. For the operation of a Human Crematory at the facility. The crematory's PTE based on 8,760 hours of operation is 1.91 tpy CO, 2.73 tpy NO<sub>x</sub>, 1.61 tpy PM<sub>10</sub>, and < 1 tpy each of VOC, SO<sub>x</sub>, and HAP. 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.

**29-03004, Mellott Co**, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, Bethel Township, **Fulton County**. Application received: April 3, 2023. To issue a State Only Operating Permit for the manufacturing facility. The actual emissions from the facility in 2022 are estimated at 7.54 tons of VOCs and < 1 ton of HAP emissions. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52d (Control of VOC emissions from miscellaneous metal part surface coating processes), 129.52 (Surface coating processes) and 129.63 (Degreasing operations).

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

**06-05128, Reading Truck Body, LLC**, P.O. Box 650, Reading, PA 19607-0650, City of Reading, **Berks County**. Application received: June 28, 2022. For the operation of a truck body manufacturing plant. The facility 2021 actual emissions listed in AIMS are 3.11 tons of CO, 3.80 tons of NO<sub>x</sub>, 0.2997 ton of PM<sub>10</sub>, 0.2997 ton of SO<sub>x</sub>, and 30.39 tons of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52, 129.52d and 129.52e, Chapter 130, Subchapter C, MACT Subpart CCCCC, MACT Subpart ZZZZ, and NSPS Subpart JJJJ.

**06-03059, Charles Evans Cemetery Company**, 1119 Centre Avenue, Reading, PA 19601, City of Reading, **Berks County**. Application received: February 27, 2023.



To issue a State Only Operating Permit for the human crematories. The potential emissions from the facility are estimated at 2.3 tpy of NO<sub>x</sub>, 6.9 tpy of CO, 4.6 tpy of PM, 1.6 tpy of SO<sub>x</sub> and 2.0 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief, 412-442-4336.*

**04-00496, Skyline Metals, LLC**, 3701 Duss Avenue, P.O. Box 172, Baden, PA 15005, Harmony Township, **Beaver County**. Application received: December 12, 2022. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Skyline Metals, LLC to authorize the operation of their Slag Processing Plant located in Harmony Township, Beaver County. The equipment at this slag processing facility includes stationary crushing plant and magnetic separation plant, 800 millimeter jigs, portable crushing plants powered by non-road diesel engines, a portable screening plants powered by non-road diesel engines, portable stacker conveyor powered by non-road diesel engine, Stockpile aggregate handling, paved and unpaved roadways, and water trucks to control particulate emissions. The facility shall be limited to throughput of 600,000 tons per 12 month rolling total. The facility estimated potential emissions of 6.31 tpy NO<sub>x</sub>, 5.28 tpy CO, 1.96 tpy SO<sub>x</sub>, 0.69 tpy VOC, and 19.17 tpy PM<sub>10</sub>. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, and 40 CFR Part 89 Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines. A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (04-00496) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly. All comments must be received prior to the close of business 30 days after the date of this publication.

**63-00616, Therm-O-Rock East, Inc./Plant I**, 1 Pine Street, New Eagle, PA 15067, New Eagle Borough, **Washington County**. Application received: February 6, 2023. Therm-O-Rock, Inc. operates a material blending, perlite handling, and vermiculite handling facility. This facility has a potential to emit 6.6 tons per 12-consecutive month period (12-cmp) of NO<sub>x</sub>, 4.3 tons/12-cmp of CO, 0.04 ton/12-cmp of SO<sub>x</sub>, 0.4 ton/12-cmp of VOCs, 0.12 ton/12-cmp of HAPs, and 9.0 tons/12-cmp of PM<sub>10</sub>. The

proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for the equipment. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00616) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**56-00154, George E. Mason Funeral Home, Inc.**, 1687 Tire Hill Rd., Davidsville, PA 15928, Conemaugh Township, **Somerset County**. Application received: May 19, 2023. George E. Mason Funeral Home, Inc. operates two propane-fired human crematory incinerators. This facility has a potential to emit 1.8 tons of NO<sub>x</sub> per 12-consecutive month period (12-cmp), 4.0 tons/12-cmp of CO, 1.1 tons/12-cmp of VOCs, 1.3 tons/12-cmp of SO<sub>x</sub>, 3.3 tons/12-cmp of PM, 0.7 ton/12-cmp of HAPs, and 4 tons/12-cmp of lead. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for the equipment. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Per-

mit (56-00154) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

### PLAN APPROVALS

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**Receipt of Plan Approval Application(s) and Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These Actions May Include the Administrative Amendments of an Associated Operating Permit.**

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

*Contact: David Balog, New Source Review Chief, 814-332-6328.*

**37-00013H, CEMEX Construction Materials Atlantic LLC**, 2001 Portland Park, Wampum, PA 16157-3913, Wampum Borough, **Lawrence County**. Application received: February 24, 2023. The Department is providing notice they intend to issue a Plan Approval for re-activation of the bagging machines used to package cement. The facility's cement operations were deactivated in 2010. The facility currently operates under Title V Permit 37-00013 as a transfer station/cement terminal. The project includes three bagging machines, each of which is controlled by an existing baghouse. Current emissions, including this project, are below Title V permitting thresholds; however, plan approval 37-00013G, issued on October 6, 2022 was issued prior to the Title V operating permit renewal, and so its status as a Title V facility was maintained. The plan approval will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, an initial operating permit amendment application addressing the inclusion of the plan approval may be submitted for the facility per 25 Pa. Code Chapter 127.

### COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

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

#### *Coal Applications*

*Effluent Limits*—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

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

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

Contact: Bonnie Herbert, Clerical Assistant 3.

**Mining Permit No. 30121301. NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC**, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill, Morris and Center Townships, **Greene County**. To revise the permit and related NPDES permit for installation of a 1.3-mile long overhead powerline, affecting 23.7 proposed surface acres. Application received: April 7, 2023. Accepted: May 26, 2023.

**Mining Permit No. 56111302. NPDES No. PA0236101 and GP12-56111302. Wilson Creek Energy, LLC**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Jenner, Lincoln, Quemahoning and Somerset Townships, **Somerset County**. To renew the permit and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. Application received: April 21, 2023. Accepted: May 30, 2023.

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

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

**Mining Permit No. 24880103. NPDES No. PA0104779. Keystone Land Resources, Inc.**, 46226 National Road, St. Clairsville, OH 43950, Horton Township, **Elk County**. Reclamation only and NPDES renewal. Application received: June 1, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

**Mining Permit No. 54860105. Kuperavage Enterprises, Inc.**, P.O. Box 99, Middleport, PA 17953, Blythe Township, **Monroe County**. Correction of an anthracite surface mine operation to mine within 100 feet of a stream. Receiving stream: Schuylkill River, classified for the following uses: CWF, MF. Application received: February 14, 2023.

**Mining Permit No. 40230901. Rossi Excavating Company**, 10 Centtown Road, Beaver Meadows, PA 18216, Hazle Township, **Luzerne County**. Incidental coal extraction from an anthracite coal refuse reprocessing bank for Beaver Brook Land Development affecting 21.0 acres. Receiving stream: Catawissa Creek, classified for the following uses: CWF, MF. Application received: May 22, 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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity must always exceed acidity.			
pH must always be greater than 6.0; less than 9.0.			

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

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

**Mining Permit No. 37880304. NPDES No. PA0204906. Allegheny Mineral Corporation**, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Lawrence County**. Renewal of an NPDES permit. Application received: June 5, 2023.

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

Contact: Tracy Norbert, Clerical Assistant 2, 724-925-5513.

**Mining Permit No. 65100401. NPDES No. PA0252051. Heidelberg Materials Northeast, LLC**, 2200 Springfield Pike, Connellsville, PA 15425, Fairfield Township, **Westmoreland County**. Renewal application for continued mining of an existing large noncoal surface mine. Application received: May 30, 2023.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality-based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

*Coal NPDES Draft Permits*

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

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

**NPDES No. PA0033677. Mining Permit No. 56841328. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, Paint Township, **Somerset County**. Application received: September 8, 2021. Accepted: November 3, 2021.

To renew the permit and related NPDES Permit, affecting 247.3 surface acres and 10,825.1 underground acres. Receiving stream(s): Unnamed Tributary to Paint Creek; Paint Creek; Tributary 45875 to South Fork Little Conemaugh River; and Tributary 45858 to Sandy Run, classified for the following use: CWF. Kiskiminetas Conemaugh River Watershed 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 Unnamed Tributary to Paint Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50.5	50.5
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 101 discharging to Lower Kittanning Mine Workings—Internal Monitoring Point are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 002 discharging to Paint Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 003 discharging to Unnamed Tributary to Paint Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	62	78
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 004 discharging to Paint Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75

## NOTICES

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	62	78
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 005 discharging to Tributary 45875 to South Fork Little Conemaugh River are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Iron Loading, Net	(lb/year)	-	-	-	19,726
Manganese	(mg/l)	-	2.0	4.0	5.0
Manganese Loading, Net	(lb/year)	-	-	-	13,151
Aluminum	(mg/l)	-	2.0	4.0	5.0
Aluminum Loading, Net	(lb/year)	-	-	-	6,312
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	125
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 006 discharging to Tributary 45858 to Sandy 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>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

**NPDES No. PA0215040. Mining Permit No. 32971302. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Washington Township, Indiana County.** Application received: July 15, 2022. Accepted: September 12, 2022.

To renew the permit and related NPDES Permit, affecting 51.1 surface acres and 5,540.5 underground acres. Receiving stream(s): Unnamed Tributary to Dutch Run, classified for the following use: CWF. Crooked Creek Watershed 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 Tributary 46477 to Dutch 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>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	-	-	Report
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 002 discharging to Tributary 46477 to Dutch 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>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 003 discharging to Tributary 46477 to Dutch 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>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 004 discharging to Unnamed Tributary to Dutch 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>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	-	-	Report
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
pH	(s.u.)	6.0	-	-	9.0

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 005 discharging to Unnamed Tributary to Dutch 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>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

*CORRECTION—previously published on May 20, 2023*

**NPDES No. PA 0023370. Mining Permit No. 02733702. Consol Mining Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, Plum Township, **Allegheny County**. Application received: April 29, 2022. Accepted: June 30, 2022.

To revise the permit and related NPDES Permit for installation of the Renton pipeline and add one (1) new NPDES outfall, affecting 37.0 proposed coal refuse disposal support acres. Receiving stream(s): Allegheny River, classified for the following use: WWF. Allegheny River 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 002 discharging to Allegheny River are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	-	-	Report
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	386	602	964
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.



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

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

**NPDES No. PA0235733. Mining Permit No. 17051601. Junior Coal Contracting, Inc.,** 2330 Six Mile Road, Philipsburg, PA 16866, Decatur Township, **Clearfield County.** Application received: March 17, 2023.

Renewal of an NPDES permit for discharge of water resulting from a Coal Processing and Preparation Plant affecting 48.1 acres. Receiving stream(s): Moshannon Creek and Beaver Run, classified for the following use(s): CWF. This receiving stream is included in the Moshannon Creek Watershed TMDL.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to Moshannon Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sediment Pond A	Precipitation Induced
002	Existing	Sediment Pond B	Precipitation Induced
003	Existing	Sediment Pond C	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 &amp; 002 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

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

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 003 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

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

This site also contains or is hydrologically connected to substandard discharges that predate Mining Permit No. 17051601. The discharges are covered under a Consent Order and Agreement. The effluent limits for those discharges will be based upon the baseline pollution load that existed prior to issuance of Mining Permit No. 17051601

### 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)).

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

**EA0283223-001. Pittsburgh Water and Sewage Authority**, 1200 Penn Ave, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 10, 2023.

To construct and maintain a stream restoration project in a 1,868-foot reach of a UNT to Sawmill Creek (WWF) using natural stream channel design techniques for the purpose of improving channel stability and reducing sediment load. Work will include the installation of two detention basins with outfall structures, re-grading approximately 700 linear feet of stream channel, relocating approximately 1,170 ft of stream channel and re-grading the adjacent floodplain, and the construction of in-stream structures including log cross vanes, log and rock step/pools, and log or rock step pool structures to reduce stream velocities. The project is located within Moore Park situated east of Pioneer Ave extending to State Route 51 in City of Pittsburgh, Allegheny County. Latitude: 40.404722°, Longitude: -80.009166°.

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

Contact: Kipp Starks, Aquatic Biologist 2, 814-342-8110.

**E1404223-002. US Fish and Wildlife Service**, 110 Radnor Rd, Suite 101, State College, PA 16801, Boggs Township, **Centre County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 24, 2023.

The applicant is proposing to restore 700 feet of Wallace Run (HQ-CWF, MF) to establish a more stable alignment and reduce streambank erosion. The proposed alignment will return the stream to its 1971 location. The project involves excavation of material from two inside bends gravel bars, filling two outside bends where the stream is eroding the bank, and installation of six log vanes. The log vanes are designed to reduce bank erosion through the new realigned reach and provide habitat for aquatic organisms. As proposed, the project will permanently impact 0.356 acre of stream channel. There are no impacts proposed to the floodway or wetlands. No threatened or endangered species are known to exist within the project area. Latitude: 40° 56' 50.23", Longitude: -77° 49' 44.11".

Contact: Leslie Rinker, Clerical Assistant II, 570-327-3574.

**E4904123-002. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754, Upper Augusta Township, **Northumberland County**. U.S. Army Corps of Engineers District. Application received: May 31, 2023.

PA DOT Engineering District 3-0 proposes a bridge replacement project on SR 4004. The project includes

replacing a Single Span Steel I-Beam Bridge with a Single Cell Precast Concrete Box Culvert. The existing structure has a span of 26.86 Ft., a skew of 90° 41' 54" 15", an underclearance of 6.69 Ft., and a low chord of 521.84 Ft. and a hydraulic opening of 184.7 Ft<sup>2</sup>. The proposed single cell box culvert has a span of 27.0 Ft., a skew of 90 41 54' 15", an underclearance of 6.5 Ft., and a low chord of 521.68 Ft. and a hydraulic opening of 175.50 Ft<sup>2</sup>. The proposed slope is 3.65%. The structure will be depressed 1.0 Ft. and include full width baffles to aid in aquatic passage. The project will utilize R-8 Rip Rap Scour Protection at the inlet and outlet. The project will utilize a sandbag diversion and temporary channel to convey the stream during construction. The project will utilize a detour to convey traffic during construction. The project will realign the horizontal alignment to provide a larger turning radius to improve safety. The project will utilize approximately 84 LF of Grouted R-8 Rip Rap along the upstream right bank. The project will utilize approximately 115 LF of R-8 Rip Rap along the upstream left bank. The project will utilize approximately 120 LF of R-8 Rip Rap along the downstream left bank. The project will not impact any jurisdictional wetlands. The Unnamed Tributary to the West branch of the Susquehanna River is classified as a Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards. Latitude: 41° 54' 15", Longitude: -76° 43' 55".

**E5704123-002. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754, Laporte Township, **Sullivan County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 10, 2023.

PA DOT Engineering District 3-0 proposes a dam removal project on Birch Creek adjacent to SR 0220. The dam was constructed in the early 1980s to convey flow under SR 0220. There is a downstream channel that was designed to act as a high flow channel. The stream has aggraded upstream of the dam and the stream is now flowing down the high flow channel. The dam is no longer functioning as originally designed and has become an impediment to aquatic passage. The existing dam is approximately 35 ft long, 6 ft wide and 3 ft high. The total project will include 13 log cross vanes, 10 multi-log deflectors, 168 LF log moundsills, 444 LF of Grouted Rip Rap along Birch Creek and approximately 150 LF of gravel deposition removal downstream of the existing box culvert. The dam removal project has been submitted in four Joint Permit Applications to allow for future ownership to be transferred to landowners. This application includes the dam removal, 150 LF of Gravel deposition removal, 192 LF of Grouted R-8 Rip Rap along the bank of Birch Creek. The project will temporarily and permanently impact 0.01 acre of jurisdictional wetlands for this section. The wetland impact is considered de minimis and does not require mitigation. Birch Creek is classified as a High-Quality—Cold-Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout by PA Fish and Boat Commission. Latitude: 41° 27' 24", Longitude: -76° 26' 32".

**E5704123-003. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754, Laporte Township, **Sullivan County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 10, 2023.

PA DOT Engineering District 3-0 proposes a dam removal project on Birch Creek adjacent to SR 0220. The dam was constructed in the early 1980s to convey flow under SR 0220. There is a downstream channel that was

designed to act as a high flow channel. The stream has aggraded upstream of the dam and the stream is now flowing down the high flow channel. The dam is no longer functioning as originally designed and has become an impediment to aquatic passage. The existing dam is approximately 35 ft long, 6 ft wide and 3 ft high. The total project will include 13 log cross vanes, 10 multi-log deflectors, 168 LF log muddills, 444 LF of Grouted Rip Rap along Birch Creek and approximately 150 LF of gravel deposition removal downstream of the existing box culvert. The dam removal project has been submitted in four Joint Permit Applications to allow for future ownership to be transferred to landowners. This application includes 55 LF of Grouted R-8 Rip Rap along the left bank of Birch Creek. The project will not impact any jurisdictional wetlands for this section. Birch Creek is classified as a High-Quality—Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout by PA Fish and Boat Commission. Latitude: 41° 27' 24", Longitude: -76° 26' 32".

**E5704123-004. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754, Laporte Township, **Sullivan County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 10, 2023.

PA DOT Engineering District 3-0 proposes a dam removal project on Birch Creek adjacent to SR 0220. The dam was constructed in the early 1980s to convey flow under SR 0220. There is a downstream channel that was designed to act as a high flow channel. The stream has aggraded upstream of the dam and the stream is now flowing down the high flow channel. The dam is no longer functioning as originally designed and has become an impediment to aquatic passage. The existing dam is approximately 35 ft long, 6 ft wide and 3 ft high. The total project will include 13 log cross vanes, 10 multi-log deflectors, 168 LF log muddills, 444 LF of Grouted Rip Rap along Birch Creek and approximately 150 LF of gravel deposition removal downstream of the existing box culvert. The dam removal project has been submitted in four Joint Permit Applications to allow for future ownership to be transferred to landowners. This application includes 5 cross vanes, 73 LF of Grouted R-8 Rip Rap along the right bank, 159 LF of Grouted R-8 Rip Rap along the left Bank. The project will not impact any jurisdictional wetlands for this section. Birch Creek is classified as a High-Quality—Cold-Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout by PA Fish and Boat Commission. Latitude: 41° 27' 24", Longitude: -76° 26' 32".

**E5704123-005. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754, Laporte Township, **Sullivan County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 10, 2023.

PA DOT Engineering District 3-0 proposes a dam removal project on Birch Creek adjacent to SR 0220. The dam was constructed in the early 1980s to convey flow under SR 0220. There is a downstream channel that was designed to act as a high flow channel. The stream has aggraded upstream of the dam and the stream is now flowing down the high flow channel. The dam is no longer functioning as originally designed and has become an impediment to aquatic passage. The existing dam is approximately 35 ft long, 6 ft wide and 3 ft high. The total project will include 13 log cross vanes, 10 multi-log deflectors, 168 LF log muddills, 444 LF of Grouted Rip Rap along Birch Creek and approximately 150 LF of

gravel deposition removal downstream of the existing box culvert. The dam removal project has been submitted in four Joint Permit Applications to allow for future ownership to be transferred to landowners. This application includes 11 cross vanes, 10 Multi-log Deflectors, and 168 LF of Grouted R-8 Rip Rap along the left bank of Birch Creek. The project will not impact any jurisdictional wetlands for this section. Birch Creek is classified as a High-Quality—Cold-Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout by PA Fish and Boat Commission. Latitude: 41° 27' 24", Longitude: -76° 26' 32".

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

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

**E4802123-002. PA Department of Transportation, Eng District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, Williams Township, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 18, 2023.

The following impacts are associated with the SR 2006 Section 01B project: 1. To remove the existing structure and to construct and maintain a 36' wide single span precast ConSpan structure carrying SR 2006 across a Tributary to Frya Run (Channel 1) (HQ-CWF, MF) having an 28' normal clear span and a 7.1' minimum underclearance and to construct and maintain appurtenant structure features. (Impact JP-1) 2. Approximately 264 LF of stream and associated floodway of a tributary to Frya Run (Channel 2) (HQ-CWF, MF) will be relocated due to the widening of SR 2006. (Impact JP-2). 3. To construct and maintain an outfall pipe that will impact 0.01 acre of EV and PEM wetland. (Impact JP-3). The project is located along SR 2006 Sec 01B, Segment 0150 Offset 0577, approximately 0.65 mile southwest of the SR 2006/Durham Road intersection (Riegelsville, PA Quadrangle Latitude: 40.606778° N, Longitude: -75.24356°W).

**E5402223-004. Schuylkill Conservation District**, 1206 AG Center Drive, Pottsville, PA 17901, Cass Township, Branch Township, **Schuylkill County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 26, 2023.

To construct and maintain the following water obstructions and encroachments associated with the West Creek Stream Restoration Project: 1) A channel change within a 7,500-LF reach of West Creek (CWF, MF) consisting of the regrading of the stream channel and the construction of a 20 ft wide trapezoidal channel having a bed comprised of 3 ft deep R-4/R-7 riprap blended with natural streambed material, 4:1 size slopes, longitudinal slopes ranging from 0.9%—5.4%, and underlain with an impervious PVC liner. The purpose of this impact is to minimize the loss of base flow into the mine pool via seepage. 2) A streambank retaining device along the southern bank of West Creek (CWF, MF) consisting of 150 LF of R-7 riprap. 3) A streambank retaining device along the northern bank of West Creek (CWF, MF) consisting of 200 LF of R-7 riprap. 4) A utility line crossing of West Creek (CWF, MF) consisting of a 12-in diameter, concrete-encased ductile iron water line. 5) A streambank retaining device along the northern bank of West Creek (CWF, MF) consisting of 110 LF of R-7 riprap. 6) A streambank retaining device along the southern bank of West Creek (CWF, MF) consisting of 110 LF of R-7 riprap. 7) A streambank retaining device along the northern bank of West Creek

(CWF, MF) consisting of 70 LF of R-8 riprap. 8) A streambank retaining device along the southern bank of West Creek (CWF, MF) consisting of 50 LF of R-8 riprap. 9) A streambank retaining device along the northern bank of West Creek (CWF, MF) consisting of 115 LF of R-8 riprap. 10) A streambank retaining device along the southern bank of West Creek (CWF, MF) consisting of a 260 LF concrete block retaining wall ranging in height from 6.63 ft to 14.62 ft. The project is begins at the confluence of West Creek and Main Street (T-557) and ends approximately -feet west of the confluence of West Creek and Forest Lane (SR 4008) (Minersville, PA Quad-range Latitude: 40° 41' 28"; Longitude: -76° 18' 7") in Cass and Branch Townships, Schuylkill County.

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

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

**E2506223-003. Artist In Residence Distillerie**, 243 Rue Bombardier, Gatineau, QC J8R 0C6, Harborcreek Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 12, 2023.

The applicant proposes to construct a distillery, storage facilities, restaurant, stormwater management facilities, roadways and utility lines. The project will permanently impact approximately 0.232 acre of Palustrine Emergent Wetland. The applicant proposes to mitigate for the wetland impacts by purchasing credits into the Pisces fund. The project site is located approximately 760 feet southeast of the intersection of SR 430 and Interstate 90. Latitude: 41.1199°, Longitude: -79.95971°.

**E2506223-002. Maleno Land Development Co LLC**, 2340 West Grandview Boulevard, Erie, PA 16506, Harborcreek Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 11, 2023.

The applicant proposes to construct a residential subdivision, roadways, stormwater management facilities and ancillary structures. The project will permanently impact 0.24 acre of Palustrine Forested Wetlands, and temporarily impact 0.024 acre of Palustrine Forested Wetland. The applicant proposes to mitigate for the permanent wetland impacts by purchasing credits in the Pisces Fund. The project is located approximately at the end of Elsie Street. Latitude: 42.15888°, Longitude: -80.00121°.

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

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

**E1501123-010. Pennsylvania Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Warwick Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 3, 2023.

PennDOT District 6-0 is proposing to remove an existing 40 foot long, 34-inch by 53-inch, elliptical culvert

carrying an unnamed tributary to French Creek (EV-MF), and in its place, construct and maintain a 40 foot long, 34-inch by 53-inch, elliptical RCP culvert with a 6-inch depression to aid with aquatic passage. This activity will result 40 linear feet (240 square feet, 0.006 acre) of permanent watercourse impact and also includes the construction and maintenance of new headwalls and the placement of riprap rock aprons. This project is located in Warwick Township, Chester County (USGS PA Pottstown Quadrangle). Latitude: 40.189345°, Longitude: -75.725278°.

**E1501223-011. Aqua Resources, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, Tredyffrin Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 24, 2023.

Aqua Resources, Inc., proposes to construct and maintain, for the site associated with Aqua Exposed Sewer Manhole/Interceptor Sewer Main, about 80 feet of streambank stabilization/repair along Little Valley Creek (EV-MF). The proposed project will protect the exposed sewer main and interceptor and help reduce future scour and exposure/failure of the infrastructure. The project proposes approximately 1,488 sq ft watercourse, 5,632 sq ft floodway, and 1,591 sq ft floodplain temporary impacts. Permanent impacts include 1,036 sq ft watercourse, 488 sq ft floodway, and 6 sq ft floodplain. The site is located within Little Valley Creek between Swedesford Road and US 202—SB on the ramp (Valley Forge, PA USGS map) in Tredyffrin Township, Chester County. Latitude: 40.062160°, Longitude: -75.477270°.

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

*Contact: D. J. Stevenson.*

**E6307223-003. MarkWest Liberty Midstream & Resources, LLC**, 4600 J. Barry Court, Suite 500, Canonsburg, PA 15317, Donegal Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 4, 2023. Latitude: 40.093888°, Longitude: -80.475886°.

Sub-Basin 20E (Wheeling-Buffalo Creeks), Quad Name: Claysville.

The project proposes to expose approximately 5,050 LF of existing Greaves 12" steel gas pipeline and 1,350 LF of existing Hunter 12" steel gas pipeline in preparation for longwall mining activities under these pipelines. Pipeline exposure is anticipated to last approximately six months and will result in temporary impacts to four (4) Palustrine Emergent (PEM) wetlands and two (2) streams and their associated floodway. Proposed project impacts include excavation of the existing pipelines, stockpiling of soils, installation of temporary flume pipes, installation of timber mat bridges over streams and wetlands for equipment crossing, and site restoration post-construction.

<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>
Stream A (UNT to Middle Wheeling Creek)	Perennial	Flume Pipe	WWF	330	-	0.01	-

<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>
Stream A (UNT to Middle Wheeling Creek)	Perennial	Equipment Crossing	WWF	55	-	0.001	-
Stream A (UNT to Middle Wheeling Creek)	Perennial	Excavation	WWF	264	-	0.01	-
Stream A floodway	Perennial	Excavation & Equipment Crossing	WWF	5,232	-	0.12	-
Stream B (UNT to Middle Wheeling Creek)	Perennial	Flume Pipe	WWF	360	-	0.01	-
Stream B (UNT to Middle Wheeling Creek)	Perennial	Equipment Crossing	WWF	85	-	0.001	-
Stream B (UNT to Middle Wheeling Creek)	Perennial	Excavation	WWF	340	-	0.01	-
Stream B floodway	Perennial	Excavation & Equipment Crossing	WWF	4,480	-	0.10	-
Wetland A	PEM	Equipment Crossing	-	620	-	0.01	-
Wetland A	PEM	Excavation	-	1,007	-	0.02	-
Wetland B	PEM	Flume Pipe	-	330	-	0.01	-
Wetland B	PEM	Equipment Crossing	-	120	-	0.002	-
Wetland B	PEM	Excavation	-	612	-	0.01	-
Wetland C	PEM	Equipment Crossing	-	1,030	-	0.02	-
Wetland C	PEM	Excavation	-	1,369	-	0.03	-
Wetland D	PEM	Equipment Crossing	-	440	-	0.01	-
Wetland D	PEM	Excavation	-	528	-	0.01	-
Total Impacts				17,202 SF	0 SF	0.38 Ac	0 Ac

### ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Josh Fair, Water Program Specialist, 717-772-5988.

**D54-196EA. Michael Barrick, Land Reclamation Group**, 632 Hunt Valley Circle, New Kensington, PA 15068, Walker and West Penn Townships, **Schuylkill County**. U.S. Army Corps of Engineers Philadelphia District. Application received: March 25, 2023.

Applicant proposes to remove the full vertical extent of the Tamaqua Desilting Basin Dam to eliminate a threat to public safety and to restore approximately 1,600 feet of stream channel to a free-flowing condition. No sediment removal is proposed since valley-spanning log grade controls will be used. The stream bed invert will be raised to allow for a stable 0.5% grade through the breach. The impoundment will be used as a mitigation bank. The project is located across the Little Schuylkill River (CWF, MF) Latitude: 40.7513°, Longitude: -75.9512°.

**D19-016EA. Mark Baker, Veolia Water Pennsylvania**, 6310 Allentown Blvd, Ste 104, Harrisburg, PA 17112, City of Bloomsburg and Montour Township, **Columbia County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 25, 2023.

Applicant proposes to remove the Boone Dam to eliminate a threat to public safety and to restore approximately 4,500 feet of stream channel to a free-flowing condition. The entire spillway will be removed but the left abutment will remain for bank stability. The project is located across Fishing Creek (WWF, MF) (Catawissa, PA Quadrangle, Latitude: 40.9871, Longitude: -76.4753).

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

Contact: 717-705-4802.

**EA2203223-002. East Hanover Township**, 8848 Jonestown Road, Grantville, PA 17028, East Hanover Township, **Dauphin County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 25, 2023.

To conduct a stream restoration project on an unnamed tributary to Manada Creek (WWF, MF) including the removal of an existing structure and 1.) the relocation and maintenance of 650 of stream; 2.) the installation and maintenance of 8 random boulders; 3.) the construction and maintenance of two riffles totaling 160 feet in length; 4.) the construction and maintenance of a riffle with log vanes totaling 40 feet in length; 5.) the excavation and maintenance of 0.55 acre of floodway; 6.) the grading and maintenance of 172 feet of stream bank (left and right

banks); and 7.) the installation and maintenance of 19.0-inch by 30.0-inch RCP pipe with endwalls, uniformly depressed six inches in to the streambed, all permanently impacting 0.43 acre of palustrine emergent wetlands. The project is located in the East Hanover Township Community Park in East Hanover Township, Dauphin County. Wetland loss is not proposed with this project. Latitude: 40.362777777777770°, Longitude: -76.683611111111110°.

#### DAM SAFETY

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Brandon Frey, Civil Engineer Hydraulic, 717-772-1680.

**D30-055, D30-056, D30-057, D30-058, D30-059.** Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317-9565, Richhill Township, Greene County. For the purpose of raising the dam embankment as a part of closure/reclamation plan of the Bailey No. 3 CRDA facility. Work will include a new principal spillway system to convey stormwater. The project application site is located in the Wind Ridge, PA USGS Quadrangle, Latitude: 39.9625°, Longitude: -80.3875°. Application received: November 17, 2022.

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## ACTIONS

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

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

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at [www.dep.pa.gov/CWPpublicNotice](http://www.dep.pa.gov/CWPpublicNotice).

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 QM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD070020	Chapter 102 Individual NPDES Permit	Issued	Claysburg Kimmel School District 531 Bedford Street Claysburg, PA 16625-7701	Greenfield Township Blair County	SCRO
PAD090018	Chapter 102 Individual NPDES Permit	Issued	Naplin Four Limited Partnership c/o Nappen and Associates 171 Corporate Drive Montgomeryville, PA 18936	Milford Township Bucks County	SERO
PAD140098	Chapter 102 Individual NPDES Permit	Issued	State College Borough Centre County 234 South Allen Street State College, PA 16801	State College Borough Centre County	NCRO
PAD150287	Chapter 102 Individual NPDES Permit	Issued	Camp Hill Village Kimberton Hills P.O. Box 1045 Kimberton, PA 19442-1045	West Vincent Township Chester County	SERO
PAD150289	Chapter 102 Individual NPDES Permit	Issued	Tangshipiong Ronnie 513 Anthonys Drive Exton, PA 19341-2349	West Vincent Township Chester County	SERO
PAD360078	Chapter 102 Individual NPDES Permit	Issued	KGH Development 120 N Pointe Boulevard Lancaster, PA 17601-4100	Mount Joy Township Lancaster County	SCRO
PAD360090	Chapter 102 Individual NPDES Permit	Issued	Exelon Generation Co. LLC— Muddy Run Pumped Storage Facility P.O. Box 340014 Nashville, TN 37203-0014	Drumore Township Lancaster County	SCRO
PAD360095	Chapter 102 Individual NPDES Permit	Issued	156 W Harrisburg Ave Assoc LLC 1 Tower Bldg 100 Front Street Suite 560 West Conshohocken, PA 19428-2873	West Donegal Township Lancaster County	SCRO
PAD390134	Chapter 102 Individual NPDES Permit	Issued	Phoebe Richland Health Care Center Dental Ofc 1925 W Turner Street Allentown, PA 18104-5513	Emmaus Borough Lehigh County	NERO
PAD390257	Chapter 102 Individual NPDES Permit	Issued	Woodmont Properties LLC 100 Passaic Avenue Suite 240 Fairfield, NJ 07004	Lower Macungie Township Lehigh County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD460079	Chapter 102 Individual NPDES Permit	Issued	Exeter 555 Flinthill LLC 100 Matsonford Road Five Radnor Corporate Center Suite 250 Radnor, PA 19087-4558	Upper Merion Township Montgomery County	SERO
PAD480020	Chapter 102 Individual NPDES Permit	Issued	JJLH Assoc Ltd 675 State Avenue Emmaus, PA 18049-3029	Lower Nazareth Township Northampton County	NERO
PA0233293	Industrial Stormwater Individual NPDES Permit	Issued	Natural Wood USA LLC 86 Kuhns Lane Lewisburg, PA 17837-8802	Buffalo Township Union County	NCRO
PA0276537	Industrial Stormwater Individual NPDES Permit	Issued	Godshalls Quality Meats 743 Hagey Center Drive Souderton, PA 18964-2403	Upper Milford Township Lehigh County	NERO
PAS406101	Industrial Stormwater Individual NPDES Permit	Issued	Desotec US LLC 118 Park Road Darlington, PA 16115-1636	Darlington Township Beaver County	SWRO
0223800	Joint DEP/PFBC Pesticides Permit	Issued	West Deer VFC 3 Station 290 4418 Gibsonia Road Gibsonia, PA 15044-7963	West Deer Township Allegheny County	SWRO
0913825	Joint DEP/PFBC Pesticides Permit	Issued	Nickum Linda 3091 Church School Road Doylestown, PA 18902-1633	Buckingham Township Bucks County	SERO
0913829	Joint DEP/PFBC Pesticides Permit	Issued	Coleman Larry 2460 Valley Road Jamison, PA 18929-1096	Warwick Township Bucks County	SERO
0913847	Joint DEP/PFBC Pesticides Permit	Issued	Morton Veronica 3311 Edison Furlong Road Furlong, PA 18925-1232	Buckingham Township Bucks County	SERO
0913983	Joint DEP/PFBC Pesticides Permit	Issued	Kuczinski Anthony 3039 Durham Road Doylestown, PA 18902-1866	Buckingham Township Bucks County	SERO
0918806	Joint DEP/PFBC Pesticides Permit	Issued	The Shops At Valley Square P.O. Box 7189 Wilmington, DE 19803-0189	Warrington Township Bucks County	SERO
0919834	Joint DEP/PFBC Pesticides Permit	Issued	Herman Phil 41 Stagecoach Road Pipersville, PA 18947-1649	Tinicum Township Bucks County	SERO
1513929	Joint DEP/PFBC Pesticides Permit	Issued	Hamorton Woods Assoc 10 Woodchuck Way Kennett Square, PA 19348-2352	Kennett Square Borough Chester County	SERO
1518809	Joint DEP/PFBC Pesticides Permit	Issued	Kennedy Martha 418 Dutton Mill Road Malvern, PA 19355	Willistown Township Chester County	SERO
1518816	Joint DEP/PFBC Pesticides Permit	Issued	Robins Gary 102 Ironstone Lane Kennett Square, PA 19348	Kennett Township Chester County	SERO
1520810	Joint DEP/PFBC Pesticides Permit	Issued	Mumma Kristina 128 Trinley Street Pottstown, PA 19465-7740	South Coventry Township Chester County	SERO
1521802	Joint DEP/PFBC Pesticides Permit	Issued	Haezebrouck Ryan 205 Nottingham Drive Spring City, PA 19475-3424	East Vincent Township Chester County	SERO
1521829	Joint DEP/PFBC Pesticides Permit	Issued	Silvester Peter 2230 Creek Road Glenmoore, PA 19343-1514	Wallace Township Chester County	SERO



## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1522804	Joint DEP/PFBC Pesticides Permit	Issued	Piazza Tom 736 S Warren Avenue Malvern, PA 19355	Willistown Township Chester County	SERO
1523823	Joint DEP/PFBC Pesticides Permit	Issued	Combs Amanda and Andrew 939 Wawaset Road Kennett Square, PA 19348-1341	West Marlborough Township Chester County	SERO
1523827	Joint DEP/PFBC Pesticides Permit	Issued	CCR Management Inc. 427 Exton Cmns Exton, PA 19341-2451	London Britain Township Chester County	SERO
2313803	Joint DEP/PFBC Pesticides Permit	Issued	Albani Pond 11 Hampton Lane Glen Mills, PA 19342-1609	Thornbury Township Delaware County	SERO
3622810	Joint DEP/PFBC Pesticides Permit	Issued	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	Issued	Meadows of Lyndon 310 Waters Edge Drive Lancaster, PA 17602-4698	West Lampeter Township Lancaster County	SCRO
3918805	Joint DEP/PFBC Pesticides Permit	Issued	Desales University 2755 Station Avenue Center Valley, PA 18034-9565	Upper Saucon Township Lehigh County	NERO
4013812	Joint DEP/PFBC Pesticides Permit	Issued	Beech Mountain Lakes Association 1 Burke Drive Drums, PA 18222-1200	Butler Township Luzerne County	NERO
4023801	Joint DEP/PFBC Pesticides Permit	Issued	Kavlick Pam and Scott 51 Cragle Hill Road Shickshinny, PA 18655-4610	Hunlock Township Luzerne County	NERO
4513830	Joint DEP/PFBC Pesticides Permit	Issued	Saylors Lake Fishing Association P.O. Box 337 Saylorsburg, PA 18353-0337	Hamilton Township Monroe County	NERO
4613822	Joint DEP/PFBC Pesticides Permit	Issued	Kevin Gallagher Private 309 Kinsey Road Harleysville, PA 19438-2820	Lower Salford Township Montgomery County	SERO
4613836	Joint DEP/PFBC Pesticides Permit	Issued	CBRE P.O. Box 284 Narberth, PA 19072	Upper Merion Township Montgomery County	SERO
4613857	Joint DEP/PFBC Pesticides Permit	Issued	Sydney Glen HOA 5 Center Avenue Suite D Collegeville, PA 19426	Lower Merion Township Montgomery County	SERO
4613877	Joint DEP/PFBC Pesticides Permit	Issued	Manor House 205 W Skippack Pike Ambler, PA 19002-5136	Whitpain Township Montgomery County	SERO
4615805	Joint DEP/PFBC Pesticides Permit	Issued	Mayo Marcus 1105 Hagues Mill Road Ambler, PA 19002-6000	Upper Dublin Township Montgomery County	SERO
4619807	Joint DEP/PFBC Pesticides Permit	Issued	Villas at Linfield 262 Pebble Beach Drive Linfield, PA 19468-1043	Limerick Township Montgomery County	SERO
4623809	Joint DEP/PFBC Pesticides Permit	Issued	Wood Jeannette 6011 Sheaff Lane Fort Washington, PA 19034-1814	Whitemarsh Township Montgomery County	SERO
4819807	Joint DEP/PFBC Pesticides Permit	Issued	Bodden Kim 250 Durham Road Easton, PA 18042	Williams Township Northampton County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4823801	Joint DEP/PFBC Pesticides Permit	Issued	Mimlitsch Thomas 5300 Green Pond Road Easton, PA 18045-2970	Bethlehem Township Northampton County	NERO
6313804	Joint DEP/PFBC Pesticides Permit	Issued	Allclad Metalcrafters LLC 424 Morganza Road Canonsburg, PA 15317-5716	Chartiers Township Washington County	SWRO
PAI136153	MS4 Individual NPDES Permit	Waived	Darlington Township Beaver County 3590 Darlington Road Darlington, PA 16115-2520	Darlington Township Beaver County	SWRO
PA0009024	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Global Tungsten & Powders LLC 1 Hawes Street Towanda, PA 18848-2134	North Towanda Township Bradford County	NCRO
0823201	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	Global Tungsten & Powders LLC 1 Hawes Street Towanda, PA 18848-2134	North Towanda Township Bradford County	NCRO
PA0027618	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Bethel Park Municipal Authority Allegheny County 3100 Piney Fork Road South Park, PA 15219	Bethel Park Borough Allegheny County	SWRO
5470403	Major Sewage Treatment Facility Individual WQM Permit	Issued	Minersville Borough Sewer Authority Schuylkill County 2 E Sunbury Street Minersville, PA 17954-1719	Minersville Borough Schuylkill County	NERO
6420402	Major Sewage Treatment Facility Individual WQM Permit	Issued	Roamingwood Joint Client P.O. Box 6 Lake Ariel, PA 18436-0006	Salem Township Wayne County	NERO
PA0001406	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Go Carlson Inc. d/b/a Braeburn Alloy Steel 175 Main Street Oil City, PA 16301-1038	Lower Burrell City Westmoreland County	SWRO
PA0081141	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Locust Wood Comm LLC 2403 Main Street Narvon, PA 17555	East Cocalico Township Lancaster County	SCRO
PA0084221	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Duvall Lisa and Duvall Mark 815 Beans Cove Road Clearville, PA 15535-8049	Southampton Township Bedford County	SCRO
PA0103641	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Wilmington Township Sewer Authority Lawrence County 669 Wilson Mill Road New Castle, PA 16105-3917	Wilmington Township Lawrence County	NWRO
PA0021245	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Duncannon Borough Municipal Authority Perry County 428 North High Street Duncannon, PA 17020	Duncannon Borough Perry County	SCRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0022365	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Perryopolis Area Joint Authority Fayette County P.O. Box 298 Perryopolis, PA 15473-0298	Perryopolis Borough Fayette County	SWRO
PA0038385	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Defense Distribution Center Susquehanna DS-FSE 3rd Street and "S" Avenue Bldg 750-1 New Cumberland, PA 17070-5002	Fairview Township York County	SCRO
PA0086428	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mazza Vineyards Inc. 2775 Lebanon Road Manheim, PA 17545-8711	Rapho Township Lancaster County	SCRO
0465S70	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Go Carlson Inc. d/b/a Braeburn Alloy Steel 175 Main Street Oil City, PA 16301-1038	Lower Burrell City Westmoreland County	SWRO
2289403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Derry Township Municipal Authority Dauphin County 670 Clearwater Road Hershey, PA 17033-2453	Derry Township Dauphin County	SCRO
4902407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Kulpmont & Marion Heights Borough Joint Municipal Authority Northumberland County 9590 State Route 61 Coal Township, PA 17866-4110	Coal Township Northumberland County	NCRO
NOEXNW038	No Exposure Certification	Issued	City Transfer Inc. 900 Brussels Street Route 120 E Saint Marys, PA 15857	Saint Marys City Elk County	NWRO
NOEXSC152	No Exposure Certification	Issued	Alkegen 320 Running Pump Road Lancaster, PA 17603-2249	East Hempfield Township Lancaster County	SCRO
NOEXSC176	No Exposure Certification	Issued	Crown Cork & Seal Co. USA Inc. 1650 Broadway Hanover, PA 17331-8118	Penn Township York County	SCRO
NOEXSC180	No Exposure Certification	Issued	Stryten Lampeter LLC 829 Paramount Avenue Lancaster, PA 17602-1733	West Lampeter Township Lancaster County	SCRO
NOEXSC294	No Exposure Certification	Issued	Henry Molded Products Inc. 71 N 16th Street Lebanon, PA 17042-4506	West Lebanon Township Lebanon County	SCRO
PAG033831	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Z U Pull It Used Auto Parts Inc. 194 Ridge Road Shoemakersville, PA 19555-8913	Perry Township Berks County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036282	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108-0842	Findlay Township Allegheny County	SWRO
PAG036381	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Beaver Falls Tubular Products LLC 6051 Wallace Road Ext Suite 200 Wexford, PA 15090	West Mayfield Borough Beaver County	SWRO
PAG036407	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hunter Panels LLC 2000 Summit View Drive Smithfield, PA 15478-1645	Smithfield Borough Fayette County	SWRO
PAG036417	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	The Sherwin Williams Manufacturing Co. 372 Cleveland Street Rochester, PA 15074-1624	Rochester Township Beaver County	SWRO
PAG036421	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stone & Co. Inc. 606 McCormick Avenue Connellsville, PA 15425-2733	Hempfield Township Westmoreland County	SWRO
PAG036431	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stone & Co. Inc. 1718 Roseytown Road Greensburg, PA 15601-7000	Tarentum Borough Allegheny County	SWRO
PAG041130	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	King Renee 6650 Crescent Moon Court Apt 301 Raleigh, NC 27606-5434	North East Township Erie County	NWRO
PAG046465	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	M&K Truck Center of Pittsburgh 2141 Mount Pleasant Road West Newton, PA 15089-1836	South Huntingdon Township Westmoreland County	SWRO
PAG123544	PAG-12 NPDES General Permit for CAFOs	Issued	Wenger Farms Pork Products Network LLC 101 West Harrisburg Avenue Box 26 Rheems, PA 17570	Howe Township Perry County	SCRO
PAG123545	PAG-12 NPDES General Permit for CAFOs	Issued	Wenger Farms Pork Products Network LLC 101 W Harrisburg Avenue Rheems, PA 17570	South Londonderry Township Lebanon County	SCRO
PAG123844	PAG-12 NPDES General Permit for CAFOs	Issued	North Mountain Gobbler 8310 Fort McCord Road Chambersburg, PA 17202	Dublin Township Fulton County	SCRO
PAG136374	PAG-13 NPDES General Permit for MS4s	Waived	Freeport Borough Armstrong County 414 Market Street Freeport, PA 16229-1122	Freeport Borough Armstrong County	NWRO
PAG138320	PAG-13 NPDES General Permit for MS4s	Waived	PA State University Penn State Shenango 147 Shenango Avenue Sharon, PA 16146	Sharon City Mercer County	NWRO
PA0263648	Single Residence STP Individual NPDES Permit	Issued	Kristy and Russell Thomas 1895 Weiler Road Warren, PA 16365-8514	Conewango Township Warren County	NWRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0285021	Single Residence STP Individual NPDES Permit	Issued	Becker Paul 101 Greensboro Lane Pittsburgh, PA 15220	Marion Township Beaver County	SWRO
PA0292991	Single Residence STP Individual NPDES Permit	Issued	Tipton Kyle 9300 Crossingville Road Albion, PA 16401-8916	Elk Creek Township Erie County	NWRO
PA0293016	Single Residence STP Individual NPDES Permit	Issued	Carolyn and Lawrence Lafata 4484 E Stancliff Road McKean, PA 16426-1937	McKean Township Erie County	NWRO
PA0293024	Single Residence STP Individual NPDES Permit	Issued	Thompson Robert C 1267 Rutledge Road Transfer, PA 16154-2225	Pymatuning Township Mercer County	NWRO
PA0293989	Single Residence STP Individual NPDES Permit	Issued	Trent Garrett 2445 Grandview Road Tyrone, PA 16686-7411	Antis Township Blair County	SCRO
0423400	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Becker Paul 101 Greensboro Lane Pittsburgh, PA 15220	Marion Township Beaver County	SWRO
0723403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Trent Garrett 2445 Grandview Road Tyrone, PA 16686-7411	Antis Township Blair County	SCRO
2523407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Tipton Kyle 9300 Crossingville Road Albion, PA 16401-8916	Elk Creek Township Erie County	NWRO
2523408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Carolyn and Lawrence Lafata 4484 E Stancliff Road McKean, PA 16426-1937	McKean Township Erie County	NWRO
4323406	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Thompson Robert C 1267 Rutledge Road Transfer, PA 16154-2225	Pymatuning Township Mercer County	NWRO
6209401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Kristy and Russell Thomas 1895 Weiler Road Warren, PA 16365-8514	Conewango Township Warren County	NWRO
6597401	Small Flow Treatment Facility Individual WQM Permit	Issued	M&K Truck Center of Pittsburgh 2141 Mount Pleasant Road West Newton, PA 15089-1836	South Huntingdon Township Westmoreland County	SWRO
WQG01251317	WQG-01 WQM General Permit	Issued	King Renee 6650 Crescent Moon Court Apt 301 Raleigh, NC 27606-5434	North East Township Erie County	NWRO
WQG02032301	WQG-02 WQM General Permit	Issued	East Franklin Township Armstrong County 257 Linde Road Kittanning, PA 16201-4719	North Buffalo Township Armstrong County	NWRO
WQG02222303	WQG-02 WQM General Permit	Issued	South Hanover Township Sewer Authority Dauphin County 161 Patriot Way Hershey, PA 17033-5044	South Hanover Township Dauphin County	SCRO

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


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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC230213 A-1	PAG-02 General Permit	Issued	Swarthmore College 500 College Avenue Swarthmore, PA 19081-1306	Swarthmore Borough Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC080054 A-2	PAG-02 General Permit	Issued	Matt Cook Leatherstocking Gas Co., Inc. 330 West William Street Corning, NY 14830	Wyalusing Borough Wyalusing Township Bradford County	Bradford County Conservation District 200 Lake Rd Ste E Towanda, PA 18848 570-265-5539
PAC490073	PAG-02 General Permit	Issued	Indian Hills Trucking and Contracting 1391 Old Reading Road Paxinos, PA 17860	City of Shamokin Northumberland County	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 570-495-4665
PAC460584	PAG-02 General Permit	Issued	JBS Souderton Inc P.O. Box 336910 Greely, CO 80633	Franconia Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460225	PAG-02 General Permit	Issued	Caracausa Building and Development 601 West Prospect Ave P.O. Box 1055 North Wales, PA 19454	Franconia Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460178	PAG-02 General Permit	Issued	Westminster Theological Seminary 2960 Church Road Glenside, PA 19038	Cheltenham Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC510305	PAG-02 General Permit	Issued	Drexel University 255 N 32nd Street Philadelphia, PA 19104	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC440013	PAG-02 General Permit	Issued	Tri-Valley Properties LLC 2610 Green Tech Drive State College, PA 16803	Derry Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-953-3148

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280327	PAG-02 General Permit	Issued	Micah Gayman 6832 Molly Pitcher Highway Shippensburg, PA 17257-9577	Southampton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280327	PAG-02 General Permit	Issued	Brent Risser-LSF Ag. Group, LLC 101 West Harrisburg Avenue Rheems, PA 17570-0026	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280048A-1	PAG-02 General Permit	Issued	James Zaiger Cold Spring Builders 10769 Grant Shook Road Greencastle, PA 17225	Waynesboro Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280318	PAG-02 General Permit	Issued	Wesley Burkholder 4715 Fort McCord Road Chambersburg, PA 17202-9559	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC360799	PAG-02 General Permit	Issued	Mahlon Beiler 582 Gault Road Gap, PA 17527	Salisbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2520
PAC360860	PAG-02 General Permit	Issued	School District of Lancaster 251 South Prince Street Lancaster, PA 17603	City of Lancaster Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2520
PAC360792	PAG-02 General Permit	Issued	Parkside of Lampeter LLC 1172 Penn Grant Road Lancaster, PA 17602	West Lampeter Township Lancaster County	Lancaster County Conservation District 185 Franklin Farm Lane Franklin County Conservation District PA 17601 717-874-2520
PAC360623A-1	PAG-02 General Permit	Issued	WP Partnership LP 1213 Orchard Road Lititz, PA 17543	Quarryville Borough Lancaster County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-874-2520
PAC010212A-1	PAG-02 General Permit	Issued	Thomas Gebhart 200 Wheatland Drive Gettysburg, PA 17325	Bonneauville Borough Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 100 Gettysburg, PA 17325 717-334-0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670634	PAG-02 General Permit	Issued	Susquehanna Area Regional Airport Authority One Terminal Drive Suite 300 Middletown, PA 17057	Fairview Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC100278	PAG-02 General Permit	Issued	Harmony Fire District 543 Main Street Harmony, PA 16037	Zelienople Borough Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250087A1	PAG-02 General Permit	Issued	Mercyhurst University 501 East 38th Street Erie, PA 16546	City of Erie Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PA320001C	PAG-02 General Permit	Issued	Indiana Regional Medical Center P.O. Box 788 Indiana, PA 15701	White Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PA320002C	PAG-02 General Permit	Issued	Schell Zachary P.O. Box 46 Armagh, PA 15920	East Wheatfield Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PAC350037	PAG-02 General Permit	Issued	Bell Mountain Land Development Corp. 7 Oakwood Dr. Scranton, PA 18504	Dickson City Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov

**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR**  
**NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at 717-787-3483 for more information.



**NUTRIENT MANAGEMENT PLAN  
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Pine Hill Farm, CVFF 2547 Hickory Road Columbia Crossroads, PA 16914	Bradford County	260.0	3,632.4	Swine	NA	Approved
VanBlarcom Sow Farm 2271 Fairbanks Road Columbia Crossroads, PA 16914	Bradford County	18.0	3,001.95	Swine	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

**SAFE DRINKING WATER**

**Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

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

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

**Operation Permit No.2400146**, Public Water Supply.  
Applicant **Providence Place of Hazleton G M Leader Corp.**

Address	149 South Hunter Highway Drums, PA 18222
Municipality	Butler Township
County	<b>Luzerne County</b>
Consulting Engineer	Mr. Mark Widdersheim, P.E. Entech Engineering, Inc. 201 Penn Street Suite 300 P.O. Box 32 Reading, PA 19603
Application Received	November 2, 2021
Permit Issued	March 6, 2023
Description	Operations Permit for the installation of treatment facilities for elevated levels of iron and manganese in Well No. 1 water supply and associated water system appurtenances including booster pump replacement.
<b>Operation Permit No. 3480022</b> , Public Water Supply.	
Applicant	<b>Bethlehem Authority Shady Lane Project</b>
Address	10 East Church Street Bethlehem, PA 18018-6005
Municipality	East Allen Township
County	<b>Northampton County</b>
Consulting Engineer	Mr. Daniel Shawn Hershey, P.E. President Hershey Engineering, Inc. 703 Woodcrest Avenue Lititz, PA 17543
Application Received	September 30, 2022
Permit Issued	May 2, 2023
Description	Operations permit for manganese treatment system at Well No. 1.
	<i>Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.</i>
	<i>Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4700.</i>
	<b>Construction Permit 0523501 MA</b> . PWSID No. 4050033. <b>New Enterprise Water Association</b> , P.O. Box

96, New Enterprise, PA 16664, South Woodbury Township, **Bedford County**. Application received: January 24, 2023. Permit Issued: May 16, 2023. A Public Water Supply Construction Permit was issued for the Guyer Spring # 2 impoundment tank roof repair.

**Construction Permit 0522505 MA.** PWSID No. **4050467. Sac, Inc.**, 4588 Business Rt 220, Bedford, PA 15522, East Providence Township, **Bedford County**. Application received: November 11, 2022. Permit Issued: April 19, 2023. A Public Water Supply minor construction permit amendment was issued for the installation of a flow-paced chlorine injection system, flow restrictor, additional chlorine contact tanks, and a pressurized storage tank.

*Contact: Thomas Filip, Environmental Engineer, 717-705-4708.*

**Construction Permit 5023503 MA.** PWSID No. **7220015. Veolia Water Pennsylvania, Inc.**, 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Marysville Borough, **Perry County**. Application received: February 28, 2023. Permit Issued: May 30, 2023. Construction of a 126,000-gallon finished water storage tank for the Rockville Estates development.

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

**Construction Permit 6723509 MA.** PWSID No. **7670085. Dallastown-Yoe Water Authority**, 175 East Broad Street, Dallastown, PA 17313, York Township, **York County**. Application received: March 27, 2023. Permit Issued: May 30, 2023. Construction permit for replacing the Route 74 interconnection vault.

**Construction Permit 6723508 MA.** PWSID No. **7670086. Red Lion Municipal Authority**, P.O. Box 190, Red Lion, PA 17356, Windsor Township, **York County**. Application received: April 25, 2023. Permit Issued: June 5, 2023. Replacement of the existing Edgewood Tank.

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

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

**Construction/Operation Permit 0423512MA.** PWSID No. **5040063. Creswell Heights Joint Authority**, 3961 Jordan Street, South Heights, PA 15081, South Heights Borough, **Beaver County**. Application received: May 17, 2023. Permit Issued: June 1, 2023. Cleaning of Well No. 7 and the installation of a new well pump.

**NCWSA Construction Permit 5650400.** PWSID No. **5650400. DBA—Fox Den Acres Campground**, 390 Wilson Fox Road, New Stanton, PA 15672, Hempfield Township, **Westmoreland County**. Application received: January 13, 2023. Permit Issued: May 31, 2023. Addition of Well No. 13 and installation of flow control valve.

## 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.*

**Hopson BRA 1HC on the Hopson BRA Pad 3-18-23 Release**, Primary Facility ID # **866940**, 6519 Liberty Corners Road, Towanda, PA 18848, Asylum Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production water. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

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

*Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.*

**Former CNH Industrial America LLC**, Primary Facility ID # **682234**, 36 Maple Street, Belleville, PA 17004, Union Township, **Mifflin County**. TRC Environmental Corporation, 999 Fourier Drive, Suite 101, Madison, WI 53717, on behalf of CNH Industrial America LLC, 3301 South Hoover Road, Wichita, KS 67215, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with TCE. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

**Schneider National Inc.**, Primary Facility ID # **794002**, 1 Schneider Drive, Middlesex, PA 17015, Middlesex Township, **Cumberland County**. GEI Consultants, Inc., 18000 Horizon Way, Suite 200, Mount Laurel, NJ 08054, on behalf of Schneider National, Inc., 3101 Packerland Drive, Greenbay, WI 24313, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with Lead, Arsenic, Nickel & possible SVOCs. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

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

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

**205-207 Garfield Avenue**, Primary Facility ID # **852667**, 205-207 Garfield Avenue, West Chester, PA 19380, West Goshen Township, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, Suite D-1, West Chester, PA 19382, on behalf of Rick Mammucari, A&A Enterprises LLC, 2801 Centerville Road, Wilmington, DE 19808, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**2507 Almond Street**, Primary Facility ID # **856571**, 2507 Almond Street, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lawrence McKnight, Riverwards Group, 3030 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with lead. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**Holmesburg Shopping Center**, Primary Facility ID # **866077**, 8423-8455 Frankford Avenue, Philadelphia, PA 19406, City of Philadelphia, **Philadelphia County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, on behalf of Paul Seo, North City Development Company, 500 Cottman Avenue, Cheltenham, PA 19012, submitted a Final Report concerning remediation of soil contaminated with petroleum. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Gasoline Retail Facility**, Primary Facility ID # **848942**, 320 South West End Boulevard, Quakertown, PA 18951, Quakertown Borough, **Bucks County**. Andrew Markoski, PG, Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of John Edge, KBJM Real Estate, LLC, 220 South Eleventh Street, Quakertown, PA 18951, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with petroleum. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

**East Tenth Street HSCA Site**, Primary Facility ID # **630967**, 201 East 10th Street, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. Peter D. Beyer, PG, Environmental Resources Management, Inc., 75 Valley Stream Parkway, Suite 200, Malvern, PA 19355, on behalf of Tiffany Kung, FMC Corporation, 2929 Wal-

nut Street, Philadelphia, PA 19104, submitted a Final Report concerning remediation of soil and groundwater contaminated with SVOCs, VOCs and PCBs. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

**Gradyville Road/Valley Road Release Site**, Primary Facility ID # **826833**, Near the intersection of Valley Road and Gradyville Road, Glen Mills, PA 19342, Edgmont Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Bradford Fish, PG, Energy Transfer Partners, 100 Green Street, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of soil and groundwater contaminated with unleaded gasoline/diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**68 Red Rose Drive Transformer Spill**, Primary Facility ID # **865881**, 68 Red Rose Drive, Levittown, PA 19456, Middletown Township, **Bucks County**. Chris Zelznak, PG, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103, submitted a Final Report concerning remediation of soil contaminated with PCB. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**428 Arbutus Avenue**, Primary Facility ID # **861527**, 428 Arbutus Avenue, Horsham, PA 19044, Horsham Township, **Montgomery County**. Richard Doran, HETI, 54 Nonset Path, Acton, MA 01720, on behalf of Jonathan Fox, Fox Fuel, 2450 Old Welsh Road, Willow Grove, PA 19090, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

**400 Locust Street**, Primary Facility ID # **840226**, 400 Locust Street, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**. Wesley Fitchett, Curren Environmental Inc., 10 Penn Avenue, Cherry Hill, NJ 18002, on behalf of Kyle Lissack, Pinemar, Inc., 106 Cricket Avenue, Ardmore, PA 19003, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Shepard Recreation Center**, Primary Facility ID # **861032**, Shepard Recreation Center, 5700 Haverford Avenue, PA 19131, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, PG, Duffield Associates, Inc., 211 North 13th Street, Suite 702, Philadelphia, PA 19107, on behalf of Aparna Palantino, Philadelphia Parks and Recreation, 1515 Arch Street, 10th Floor, Philadelphia, PA 19102, submitted a Risk Assessment/Remedial Investigation concerning remediation of soil contaminated with benzo(a)pyrene, lead, arsenic and naphthalene. The Risk Assessment/Remedial Investigation is intended to document remediation of the site to meet the site-specific standards.

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

*Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.*

**Former Matthews International Property**, Primary Facility ID # **845030**, 6515 Penn Avenue, Pittsburgh, PA 15206, City of Pittsburgh, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of Walnut Capital Management, Inc., 5500 Walnut Street, Suite 300, Pittsburgh, PA 15232, submitted a Final Report concerning remediation of soil and groundwater contaminated with Cis-1,2-Dichloroethene, Chlorobenzene, 1,4-Dichlorobenzene, 1,2,4-Trichlorobenzene, Aroclor 1248, Aroclor 1254, Aroclor 1260, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)luoranthene, Dibenz(a,h)anthracene, Indeno(1,2,3-cd)pyrene, Arsenic, and copper for the former; Cis-1,2-Dichloroethene, 1,4-Dichlorobenzene, Benzene, Tetrachloroethene, Trichloroethene, Vinyl Chloride, Aroclor 1254, Aroclor 1260 for the latter. The Final Report is intended to document remediation of the site to meet the site-specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

*Contact: Eric Supey, Environmental Program Manager.*

**W. Wright Pad 1**, Primary Facility ID # **863826**, 44 Youngs Road, Montrose, PA 18801, Bridgewater Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with hydraulic fracturing fluid. The Final Report did not demonstrate attainment of the Statewide health standards. Disapproved: June 2, 2023.

**J. Hawk Pad 1**, Primary Facility ID # **861289**, 625 Hinkley Road, Meshoppen, PA 18630, Auburn Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with diesel-based drilling mud. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: June 2, 2023.

**100 Benedict Street**, Primary Facility ID # **832085**, 100 Benedict Street, Pittston, PA 18640, City of Pittston, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of City of Pittston, 35 Broad Street, Pittston, PA 18640, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with semi-volatile compounds and metals. The Report Statewide health and site-specific standards. Approved: June 6, 2023.

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

*Contact: 814-332-6189.*

**North Central Enterprises, Inc.**, Primary Facility ID # **864664**, 225 River Road, Ridgway, PA 15853, Ridgway Borough, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of North Central Enterprises Inc., 49 Ridgmont Drive, Ridgway, PA 15853, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with low concentrations of metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and metals. The Report did not demonstrate attainment of the Statewide health and site-specific standards. Disapproved: June 1, 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.*

**Dew Fresh**, Primary Facility ID # **866052**, 670 Clauss Road, Lenhartsville, PA 19534-9107, Windsor Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of The Giorgi Companies, Inc., P.O. Box 96, Temple, PA 19560, 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: June 1, 2023.

**Former Village Greens Golf Course**, Primary Facility ID # **705749**, 3901 Penn Avenue, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Sinking Spring Associates, LLC, 300 Water Street, Suite 300, Wilmington, DE 19801-5037, submitted a Risk Assessment/Final Report concerning remediation of soil and groundwater contaminated with Arsenic & Organochlorine Pesticides. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: June 5, 2023.

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

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

**2045 West Hunting Park Avenue**, Primary Facility ID # **841642**, 2023-2061 West Hunting Park Avenue, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. David G. Sherman, PG, Geosyntec Consultants, Inc., 930 Harvest Drive, Suite 220, Blue Bell, PA 19422, on behalf of Duane Wauty, GPI Interim, Inc., 70 Mechanic Street, Foxboro, MA 02035, submitted a Final Report concerning remediation of soil contaminated with PCE, TCE, benzo(b)fluoranthene, vinyl chloride, 1,1-biphenyl and naphthalene. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 18, 2023.

**Phoenixville Crossing**, LP, Primary Facility ID # **833749**, 622 Hares Hill Road, Phoenixville, PA 19460, East Pikeland Township, **Chester County**. Kenneth Gibson, Phoenixville Area School District, 386 City Line Avenue, Phoenixville, PA 19460, on behalf of Stephen D. Brower, Environmental Standards, Inc., P.O. Box 810, Valley Forge, PA 19482, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with arsenic. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 17, 2023.

**139 Buckwalter Road**, Primary Facility ID # **839710**, 139 Buckwalter Road, Phoenixville, PA 19460, Charleston Township, **Clarion County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: May 22, 2023.

**International Paper Company**, Primary Facility ID # **863394**, 4581 Lower Valley Road, Atglen, PA 19310, West Sadsbury Township, **Chester County**. Kimberly Hunsberger, GHD, 410 Eagleview Blvd, Suite 110, Exton, PA 19341, on behalf of Natalie Hahlem, Quad/Graphics, Inc., N61 W23044 Harry's Way, Susses, WI 53089, N61 W23044 Harry's Way, Susses, WI 53089, submitted a Final Report concerning remediation of soil and groundwater

contaminated with 2-butanone, 2-hexanone, acetone, benzene, cis-1,2-dichloroethene, ethylbenzene, tetrachloroethene (PCE), toluene, trichloroethene (TCE), xylenes, 2-methylnaphthalene, 2-methylphenol, 3&4-methylphenol, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, bis(2-ethylhexyl)-phthalate, di-n-butylphthalate, phenanthrene, phenol, pyrene, arsenic, barium, cadmium, chromium III, chromium VI, lead, selenium, and silver; and benzene, PCE, toluene, TCE, arsenic, chromium, and lead in groundwater. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 24, 2023.

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

**Philadelphia Union Sports Complex**, Primary Facility ID # **861634**, 2501 Seaport Drive (between Highland Avenue and Commodore Barry Bridge), Chester, PA 19013, City of Chester, **Delaware County**. Nevin Diehl, Weston Solutions, 205 Campus Drive, Edison, NJ 08837, on behalf of Dave Debusschere, Keystone Sports and Entertainment, LLC, 2501 Seaport Drive, BH, Suite 100, Chester, PA 19013, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with petroleum VOCs and PAHs. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 26, 2023.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.**

##### *Transporter License Reissued*

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

*Contact: Jonathan Adams.*

**Safety-Kleen Systems, Inc.**, 42 Longwater Dr., Norwell, MA 02061. **License No. PA-AH 0172**. Application received: May 31, 2023. Effective June 1, 2023.

**Select Transportation, Inc.**, 5055 Nike Dr., Hilliard, OH 43026. **License No. PA-AH 0469**. Application received: June 1, 2023. Effective June 1, 2023.

**Daniels Sharpsmart, Inc.**, 111 W Jackson Boulevard, Chicago, IL 60604. **License No. PA-AH 0864**. Application received: May 31, 2023. Effective June 1, 2023.

**John Brown Trucking, Inc.**, 8063 Southern Blvd., Youngstown, OH 44512. **License No. PA-AH 0892**. Application received: May 31, 2023. Effective June 1, 2023.

##### *Transporter License Voluntarily Terminated*

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

*Contact: Jonathan Adams.*

**AERC Acquisitions Corp., dba AERC Recycling Solution, A Clean Earth Company**, 2591 Mitchell Avenue, Allentown, PA 18103. **License No. PA-AH 0687**. Application received: May 24, 2023. Effective May 24, 2023.

**Alpha Bio/Med Services, LLC**, P.O. Box 118, Paradise, PA 17562. **License No. PA-AH 0861**. Application received: May 31, 2023. Effective May 31, 2023.

### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

*Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.*

**WMGM043NW003. Bert Klapac, Inc.**, 673 N Seneca St, Oil City, PA 16301, Cornplanter Township, **Venango County**. The application for General Permit WMGM043 is for the acceptance, transfer, and processing prior to the beneficial use of construction and demolition waste materials including untreated and unpainted wood waste, stone, brick, block, concrete, cardboard, gypsum board, asphalt shingles, particle board, plastic, scrap metal, and glass. Application received: March 3, 2023. Issued: June 5, 2023. Expiration date: December 8, 2032.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

### AIR QUALITY

**Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.**

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

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

**GP9-49-341B: Blue Ridge Mining, LP**, 123 Iris Road, Shamokin, PA 17872, Coal Township, **Northumberland County**. The Department approved authorization to construct and operate a 2003 Caterpillar model C9 diesel-fired engine, rated at 300 bhp, a 2004 Deutz model BF4M2012 diesel-fired engine, rated at 100 bhp, a circa 1997 Caterpillar model 3306 diesel-fired engine, rated at 145 bhp pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) to power portable non-metallic portable processing plants at the Blue Ridge Mine. Application received: May 22, 2023. Authorized: June 2, 2023. Expiration date: June 1, 2028.

**GP3-49-341B: Blue Ridge Mining, LP**, 123 Iris Road, Shamokin, PA 17872, Coal Township, **Northumberland County**. The Department approved authorization to construct and operate a 2007 Tesab model 1412T Crusher, rated at 125 tons per hour, a 2012 Extec model S-5 Screen, rated at 125 tons per hour and a circa 2000 Brown Lenox Jaw Crusher, rated at 100 tons per hour pursuant to the

General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at your Blue Ridge Mine. Application received: May 22, 2023. Authorized: June 2, 2023. Expiration date: June 1, 2028.

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

**GP9-14-00003D: Pennsylvania State University**, 213 Physical Plant Bldg, University Park, PA 16802, College Township, **Centre County**. To authorize the construction of one 2,000 kW emergency generator powered by a Cummins QSK60-DQKAB 2922 bhp diesel-fired engine at the Water Reclamation Facility pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No.2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the University Park Campus. Application received: April 20, 2023. Issued: May 30, 2023.

**AG5A-41-00006A: Range Resources Appalachia, LLC**, 3000 Town Center Blvd., Canonsburg, PA 15317, Jackson Township, **Lycoming County**. For the operation of one 670 bhp Caterpillar G3508LE, 4SLB, natural gas-fired compressor engine, equipped with a Quick-Lid DC63-8 catalytic oxidizer; five GPU's, three 1.25 MMBtu/hr and two 2 MMBtu/hr, natural gas-fired; one 2.6 MMscfd TEG dehydration unit, equipped with a 0.5 MMBtu/hr natural gas-fired reboiler; two 400 bbl production water storage tanks; two truck loadout stations; three catalytic line heaters; natural gas-driven pneumatic devices; venting/blowdowns; site fugitives; one 4.8 MMBtu/hr, natural gas-fired, enclosed flare, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Piggings Stations (BAQ-GPA/GP-5A) at the Laurel Hill Pad A. Application received: May 16, 2023. Issued: June 1, 2023.

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

*Contact: Raymond Kempa, Environmental Group Manager.*

**AG5-58-00003B: Williams Field Services Company, LLC**, 310 State Route 29 North, Tunkhannock, PA 18657-6817, Dimock Township, **Susquehanna County**. Renewal of their GP5 permit at the Shields Compressor Station Application received: May 2, 2023. Renewed: May 31, 2023.

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

**AG5A-58-00052B: Coterra Energy, Inc.**, 2000 Park Lane, Pittsburgh, PA 15275, Springville Township, **Susquehanna County**. For the construction and operation of one (1) 1,380 bhp Caterpillar G3516B 4SLB natural gas-fired compressor engine controlled by Miratech oxidation catalyst, and ten (10) small heaters <5 MMBtu/hr each, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Piggings Stations (BAQ-GPA/GP-5A) located at Lauffer, J. Pad 1. Application received: May 4, 2023. Issued: May 16, 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.*

**GP3-36-03223: B. R. Kreider & Son, Inc.**, 63 Kreider Lane, Manheim, PA 17545, East Hempfield Township,

**Lancaster County.** For a portable nonmetallic mineral processing plant, under GP3, at the Pennsy Supply East Petersburg Block Plant. Application received: April 3, 2023. Issued: May 31, 2023.

**GP11-36-03223: B. R. Kreider & Son, Inc.,** 63 Kreider Lane, Manheim, PA 17545, East Hempfield Township, **Lancaster County.** For a non-road engine, under GP11, to power portable nonmetallic mineral processing equipment, at the Pennsy Supply East Petersburg Block Plant. Application received: April 3, 2023. Issued: May 31, 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.*

**GP5A-30-00242B: CNX Gas Company, LLC,** 1000 Horizon Vue Drive, Canonsburg, PA 15317, Richhill Township, **Greene County.** Authorization for a 10.3 MMBtu/hr VDU to control emissions from the produced water storage tanks and sand separator tank at the existing MOR-40 Well Pad. Application received: February 13, 2023. Authorized: June 5, 2023.

**GP5-11-00526C/AG5-11-00001A: Diversified Production, LLC,** 101 McQuiston Drive, Jackson, PA 16133, Jackson Township, **Cambria County.** On May 30, 2023, Diversified Production LLC was authorized to allow the continued operation of: One (1) Caterpillar Comp. rated at 415 bhp equipped with a NSCR catalyst and automatic air/fuel ratio controller, one (1) TEG rated at 6.0 MMscfd equipped with a re-boiler rated at 0.20 MMBtu/hr, one (1) 1,050-gallon produced water tank, pneumatic devices, venting/blowdowns, fugitive emissions, and truck loading operations at their Bessie 8 Compressor Station located in Jackson Township, Cambria County. Application received: April 3, 2023. Authorized: May 30, 2023.

**GP19-04-00736B: Valves Inc.,** 1291 Airport Road, Aliquippa, PA 15001, Hopewell Township, **Beaver County.** Received authorization under GP-19 for operation of one (1) Clemco CDF Dust Collector, Model No. CDF-16, 16,000 SCFM to control one (1) Large Blast source at its facility located in Hopewell Township, Beaver County. Application received: April 26, 2023. Issued: May 31, 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.**

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

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

**17-00064A: Rosebud Mining Company,** 301 Market St., Kittanning, PA 16201-9642, Burnside Township, **Clearfield County.** A plan approval for the proposed construction and operation of new coal processing prep plant sources and other new source including two (2) emergency diesel stationary engine generators at their Cherry Tree Coal Screening plant facility. Application received: February 9, 2023. Issued: May 24, 2023.

**41-00026A: Prysmian Cables and Systems USA, LLC,** 409 Reighard Avenue, Williamsport, PA 17701, City of Williamsport, **Lycoming County.** A plan approval for the modification of polyethylene Extruder Line No. 163 at

their facility to allow for ambient curing of the cables. Application received: November 29, 2023. Issued: May 24, 2023.

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

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

**39-00108B: Tierpoint Two, LLC,** 9999 Hamilton Blvd, Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County.** For the operation of six existing diesel-fired 2 MW emergency generators at the facility located in Upper Macungie Township, Lehigh County. Application received: October 25, 2022. Issued: May 17, 2023.

**40-00151B: American Flooring, LLC,** 180 Independence Drive, Pittston, PA 18640, Pittston Township, **Luzerne County.** The plan approval was issued on May 22, 2023 for the installation and operation of equipment for a vinyl tile manufacturing facility located in Pittston Township, Luzerne County. Application received: April 4, 2023. Issued: May 22, 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.*

**67-05118B: Harley-Davidson Motor Company Operations, Inc.,** 1425 Eden Rd., York, PA 17402-1907, Springettsbury Township, **York County.** For the installation of a Precision Paint Cell at the facility. The cell will be located in the existing Paint System area and will utilize the same paints as the existing system. The new paint cell will be included in the facility's site-wide equivalency calculation required by the facility's State-Only Operating Permit. Application received: January 27, 2023. Issued: June 2, 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.*

**15-0161: G&A Clanton, Inc.,** 350 Lake Road, Avondale, PA 19311, London Grove Township, **Chester County.** This action is for the issuance of a plan approval for the installation and operation of an existing portable non-metallic mineral processing plant consisting of crushers, screens, and conveyors powered by diesel engines. Application received: February 27, 2023. Issued: June 5, 2023.

**46-0299C: Innovation 411 Fee Owner, LLC,** 411 Swedeland Road, King of Prussia, PA 19406-2716, Upper Merion Township, **Montgomery County.** This action is for the issuance of a plan approval to install a new 60 MMBtu/hr dual fuel-fired combustion unit to replace an existing 49 MMBtu/hr, natural gas/No. 6 fuel oil-fired boiler. Application received: January 17, 2023. Issued: June 5, 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.**

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

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

**14-00002T: Graymont (PA), Inc.**, 375 Graymont Road, Bellefonte, PA 16823, Spring Township, **Centre County**. To extend the plan approval expiration date to December 13, 2023 to authorize continued operation of several sources for the production of quicklime and hydrated lime at the Pleasant Gap facility. Application received: May 26, 2023. Revised: May 31, 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.*

**01-05037D: Gettysburg Energy & Nutrient Recovery Facility, LLC**, Route 234 & Oxford Road, Heidlersburg, PA 17325, Tyrone Township, **Adams County**. For the reactivation and modification of the Gettysburg Energy & Nutrient Recovery Facility. The permit will require that the facility continue use of previously permitted air pollution control equipment, as well as 1.) add to a dry sorbent injection (DSI) system to control HCL, SO<sub>x</sub>, condensable particulate matter, and dioxin/furan emissions from the main plant stack, 2.) add a wet scrubber to control ammonia emissions from the dryer stack, and 3.) add a baghouse to control filterable particulate emissions from the dryer stack. The plan approval was extended. Application received: May 16, 2023. Issued: May 30, 2023.

**28-05001B: Martins Famous Pastry Shoppe, Inc.**, 1000 Potato Roll Lane, Chambersburg, PA 17202, Guilford Township, **Franklin County**. For the installation of a new oven line, catalytic oxidizer, and re-routing of an existing oven line's exhaust to an existing control device at the facility. The plan approval was extended. Application received: May 16, 2023. Issued: May 30, 2023.

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

**06-05096E: Reading Hospital**, P.O. Box 16052, Reading, PA 19612, West Reading Borough, **Berks County**. For the reactivation of Cogeneration Plant No. 2 at the Reading Hospital. The plan approval was extended. Application received: May 15, 2023. Issued: May 31, 2023.

**06-05069AC: East Penn Manufacturing Co., Inc.**, P.O. Box 147, Lyon Station, PA 19536, Richmond Township, **Berks County**. For the installation of a new fabric filter dust collector in the S-1 Facility and modification of dust collectors C59/C59A and C64/C64A in the A-3 Facility. These facilities are located at the lead acid battery assembly facility. The plan approval was extended. Application received: May 15, 2023. Issued: May 31, 2023.

**06-05037H: McConway & Torley, LLC**, 230 Railroad Street, Kutztown, PA 19530, Kutztown Borough, **Berks County**. For the reactivation of certain facility operations that had been previously idled at the Kutztown Steel Foundry. The operations include Source ID # 118A—Spinner Hanger Blast Unit, controlled by dust collector; Source ID # 108—No. 2 Tumble Blast Unit, controlled by dust collector; and Source ID # 106A—Air-Arc Turntable, controlled by dust collector. The plan approval was extended. Application received: May 18, 2023. Issued: June 2, 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.*

**46-0005AV: Merck, Sharp, & Dohme, LLC**, 770 Summeytown Pike, West Point, PA 19486-8000, Upper Gwynedd Township, **Montgomery County**. This action

is for the extension of a plan approval for construction, shakedown and operation of a new wing to Building 69 and a retrofit for part of existing Building 69D to create additional Good Manufacturing Practice (GMP) spaces. The expiration date of the previously-referenced Plan Approval has been extended by six months to 12/18/2023. Application received: May 12, 2023. Issued: June 5, 2023.

**15-0081C: Johnson Matthey, Inc.**, 1401 King Rd, West Chester, PA 19380-1467, West Whiteland Township, **Chester County**. This extension of a plan approval allows for the temporary shakedown of the existing Metal Melt Room and the installation of wet and dry scrubbers. Application received: May 8, 2023. Issued: June 5, 2023. The expiration date of the previously-referenced Plan Approval has been extended by 180 days to December 12, 2023.

**15-0081D: Johnson Matthey, Inc.**, 1401 King Rd, West Chester, PA 19380-1467, West Whiteland Township, **Chester County**. This action is for the extension of a plan approval for the temporary shakedown of existing wet scrubbers for the acid stripping room and allows for only one scrubber to be in operation at any given time. Application received: May 8, 2023. Issued: June 5, 2023. The expiration date of the previously-referenced Plan Approval has been extended by 180 days to December 5, 2023.

**09-0244: MM Metals USA, LLC**, 53 Middle Dr, Fairless Hills, PA 19030-5018, Falls Township, **Bucks County**. This plan approval extension is for the temporary shakedown and continued operation of a low-carbon ferrochrome alloy manufacturing facility. Application received: May 8, 2023. Issued: June 5, 2023. The expiration date of the previously-referenced Plan Approval has been extended by 180 days to December 25, 2023.

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

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

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

**GP9-15-0041: Longwood Gardens, Inc.**, 1030 East Baltimore Pike, P.O. Box 501, Kennett Square, PA 19348, East Marlborough Township, **Chester County**. This action is for the issuance of a general plan approval/general operation permit for the operation of one 3,820 HP diesel engine with SCR powering an emergency generator. Application received: May 5, 2023. Issued: June 1, 2023.

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

**09-00015: Rohm & Haas Company/Bristol**, 200 Route 413, Bristol, PA 19007, Bristol Township, **Bucks County**. This action is for the renewal of a Title V Operating Permit for a chemical manufacturing plant. Application received: August 5, 2022. Issued: May 31, 2023.

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**Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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



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

**41-00091: Halliburton Energy Services**, P.O. Box 60087, Houston, TX 77205, Clinton Township, **Lycoming County**. The Department issued an initial State Only Operating Permit for the natural gas drilling materials distribution facility. The State Only (Natural Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal Air regulations. Application received: November 10, 2021. Issued: May 31, 2023. Expiration date: May 30, 2028.

**49-00043: Shamokin Filler Co.**, P.O. Box 400, 458 Venn Access Road, Shamokin, PA 17872, Coal Township, **Northumberland County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the coal preparation plant. The State only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal Air regulations. Application received: October 17, 2022. Renewal issued: June 5, 2023. New expiration date: June 4, 2028.

**19-00030: Sokol Quarries, Inc.**, P.O. Box 366, Bloomsburg, PA 17815, Fishing Creek Township, **Columbia County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the Benton Processing plant. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal Air regulations. Application received: June 2, 2022. Renewal issued: June 5, 2023. New expiration date: June 4, 2028.

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

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

**39-00018: Stanley Vidmar, Inc.**, 11 Grammes Rd, Allentown, PA 18103, City of Allentown, **Lehigh County**. The Department issued a State Only Operating Permit for operation of sources at their facility. Stanley Vidmar is a manufacturer of modular storage cabinets. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: July 6, 2022. Accepted: July 19, 2022. Issued: May 23, 2023.

**54-00095: Pine Creek Structures, Inc.**, 42 Quacker Dr, Hegins, PA 17938, Hubley Township, **Schuylkill County**. The Department issued a State Only Operating Permit for the operation of sources at their facility. Pine Creek Structures is a manufacturer of storage sheds and other structures. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: September 22, 2022. Accepted: September 29, 2022. Issued: May 16, 2023.

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

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

**OP22-000032: One and Two Commerce Center**, 2001-2005 Market Street, Philadelphia, PA 19103, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued an initial Natural Minor Operating Permit (NMOP) for the operation of an office building in the City of Philadelphia, Philadelphia County. The facility's air emissions' sources include four (4) emergency generators with ratings ranging from 765 to 1,000 kilowatts (kW) and four (4) fire pumps with ratings ranging from 139.4 to 182 kW. Application received: October 30, 2022. Issued: May 30, 2023.

**OP22-000049: WuXi AppTec, Inc.**, 4751 League Island Blvd, Philadelphia, PA 19112, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Natural Minor Operating Permit (NMOP) for the operation of a biopharmaceutical facility in the City of Philadelphia, Philadelphia County. The facility's air emissions' sources include sixteen (16) air handling units firing natural gas with ratings ranging from 0.0162 to 01.375 million British thermal units per hour (MMBtu/hr), one (1) emergency generator (EGEN-1) firing diesel fuel rated at 1,000 kilowatts (kW), one (1) emergency generator (EGEN-2) firing diesel fuel rated at 1,641 kW, and assorted small bench-scale equipment, fume hoods, and bio safety cabinets. Application received: October 12, 2022. Issued: May 30, 2023.

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

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

**31-03037: Superior Huntingdon Composites, LLC**, 1200 Susquehanna Avenue, Huntingdon, PA 16652-1950, Huntingdon Borough, **Huntingdon County**. For the fiberglass yarn and mat manufacturing facility. The State-Only permit was renewed. Application received: May 23, 2023. Issued: June 5, 2023.

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

**06-05090: Toppa InterAmerica, Inc.**, 378 Thousand Oaks Blvd., Morgantown, PA 19543-9769, Caernarvon Township, **Berks County**. For the graphic arts printing facility. The State-Only permit was renewed. Application received: December 5, 2022. Issued: May 30, 2023.

**22-03065: PA Dept. of Agriculture**, 2301 N. Cameron Street, Harrisburg, PA 17110-9405, Susquehanna Township, **Dauphin County**. For the pathological/infectious waste incinerator at the Pennsylvania Veterinary Laboratory. The State-Only permit was renewed. Application received: November 30, 2022. Issued: June 1, 2023.

**38-03036: Cargill, Inc.**, 320 North 16th Street, Lebanon, PA 17046-4511, City of Lebanon, **Lebanon County**. For the feed mill. The State-Only permit was renewed. Application received: November 22, 2022. Issued: June 1, 2023.

**06-03152: Atlas Minerals & Chemicals, Inc.**, 1227 Valley Road, P.O. Box 38, Mertztown, PA 19539-8827, Longswamp Township, **Berks County**. For the synthetic resin and specialty asphalt manufacturing facility. The State-Only permit was renewed. Application received: December 1, 2022. Issued: June 1, 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.

**09-00105: Naceville Materials Joint Venture**, 483 Springfield St, Coopersburg, PA 18036-2203, Springfield Township, **Bucks County**. This action is for the issuance of a renewal of an Operating Permit for a batch asphalt plant providing a variety of paving materials for roads, parking lots, driveways, etc., for various industries. Application received: May 23, 2022. Issued: June 5, 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.*

**65-00789: The Quikrete Companies, Inc.**, 519 Red Barn Lane, Latrobe, PA 15650, Unity Township, **Westmoreland County**. On May 30, 2023, the Department of Environmental Protection issued a renewed natural minor State-Only Operating Permit for The Quikrete Companies, Inc. packaged concrete products manufacturing facility located in Unity Township, Westmoreland County. This facility is subject to the applicable requirements of 25 Pa. Code, Chapters 121—145. The air quality Operating Permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, reporting, and recordkeeping requirements for the site. Application received: January 13, 2023. Issued: May 30, 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.**

*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.*

**22-05012: Cleveland-Cliffs Steelton, LLC**, 215 South Front Street, Steelton, PA 17113-2538, Steelton Borough, **Dauphin County**. For the steel manufacturing facility. The Title V permit underwent a minor modification to 1.) update the responsible official, and 2.) add 99 tpy NO<sub>x</sub> limits for Source 232C and for each of the furnaces covered under Source 301. Application received: May 2, 2023. Issued: May 30, 2023.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*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.*

**24-00009: Domtar Paper Company, LLC**, 100 Center Street, Johnsonburg, PA 15845, Johnsonburg Borough, **Elk County**. The De minimis emission increase is for construction/modification of No. 1 Paper Machine by installing a new steam box on the paper machine former. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(9). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on May 08, 2018.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
6/2/23	119 (No. 1 Paper Machine)	0.09			0.17	
6/2/23	126 (Blend Chest)				0.03	
Total Reported Increases		0.09			0.2	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**25-00025: Wabtec US Rail Incorporated, GE Transportation—Erie Plant**, 2901 East Lake Road, Building 9-201, Erie, PA 16531, Lawrence Park Township, **Erie County**. The De minimis emission increase is for construction of a new laser cutting operation. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(9). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on November 1, 2022.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
6/5/23	Laser Cutting Operation	0.003			0.15	
Total Reported Increases		0.003			0.15	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**10-00001: Cleveland—Cliffs Steel Corporation, Butler Works**, 1 Armco Drive, Butler, PA 16003, Butler Township, **Butler County**. The De minimis emission increase is for construction of a steel strip edge grinder on No. 12 Anneal and Pickle (AP) line. This will result in an increase in No. 3 Tandem Cold MILL (TCM) (Source ID 120). In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(9). The Department hereby approves the

De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on January 29, 2019.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
6/5/23	Source 110 (No. 3 TCM)	0.14			0.08	
Total Reported Increases		0.14			0.08	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## 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

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

*Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.*

**Mining Permit No. 17020101. Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, Decatur Township, **Clearfield County**. Permit renewal for a bituminous surface coal mine affecting 61.0 acres. The renewal is for reclamation only. Receiving stream(s): Big Run classified for the following use(s): CWF. Application received: March 21, 2023. Issued: June 2, 2023.

**Mining Permit No. 17020103. NPDES No. PA0243221. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, Chest Township, Ferguson Township, and Newburg Borough, **Clearfield County**. Permit boundary revision to add a new haul road to the existing bituminous surface mining permit affecting 560.7 acres. Receiving stream(s): Wilson Run and unnamed tributaries to Wilson Run; McMasters Run and unnamed tributaries to McMasters Run classified for the following use(s): CWF. In this permit revision, 11.0 acres will be added northwest of the perimeter of the permit area and 11.0 unaffected acres will be removed from the southern portion of the permit. A

new haul road entrance is proposed on LaJose Road (SR 3016) 590 feet east of its intersection with State Route 36 in Newburg Borough. The application includes requests for the following stream variances: 1) Wilson Run beginning approximately 60 feet downstream from its confluence with Woods Run and extending discontinuously upstream approximately 4,825 feet to use an abandoned railroad grade as an access road including an existing stream crossing, 2) Use of an existing stream crossing on unnamed tributary # 10 to Wilson Run and extending upstream approximately 75 feet, 3) Use of an existing stream crossing on unnamed tributary # 11 to Wilson Run beginning approximately 80 feet upstream from its confluence with Wilson Run and extending upstream approximately 75 feet, 4) Use of an existing stream crossing on McMasters Run beginning approximately 820 feet upstream from its confluence with Wilson Run and extending upstream approximately 100 feet, 5) Woods Run beginning at its confluence with Wilson Run and extending upstream approximately 390 feet to use an abandoned railroad grade as an access road. Application received: February 2, 2023. Issued: June 1, 2023.

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

*Contact: Tracy Norbert, Clerical Assistant 2, 724-925-5513.*

**Contract No. 65-22-01 and NPDES No. PA0278564. David L. Patterson, Jr.**, 12 Shortcut Road, Smithfield, PA 15478, Loyalhanna Township, **Westmoreland County**. Government Financed Construction Contract issued for reclamation of approximately 7.8 acres of abandoned mine lands. Application received: December 8, 2022. Issued: May 25, 2023.

### Noncoal Permits

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

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

**Mining Permit No. 25102801. NPDES No. PA0259390. Groundwork Resource, LLC**, 190 Canon Road, Stoneboro, PA 16153, McKean Township, **Erie County**. Renewal of NPDES Permit No. PA0259390. Receiving streams: Unnamed tributary to Walnut Creek, classified for the following uses: HQ—CWF. Application received: February 2, 2023. Issued: June 5, 2023.

**Mining Permit No. 24070301. NPDES No. PA0258318. Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. Renewal of NPDES Permit No. PA0258318. Receiving streams: Unnamed tributaries to Bear Run, classified for the following uses: CWF. Application received: March 2, 2023. Issued: June 5, 2023.

**Mining Permit No. 37070303. NPDES No. PA0258491. Allegheny Mineral Corporation**, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Lawrence County**. Renewal of NPDES No. PA0258491. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. Application received: February 24, 2023. Issued: June 5, 2023.

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

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. 08100304. NPDES No. PA0257435. Austin Excavating & Paving, Inc.**, 121 Talmadge Hill West, Waverly, NY 14892, Pike Township, **Bradford County**. Renewal of an NPDES permit associated with a large noncoal (industrial minerals) mining site affecting 40.6 acres. Receiving stream(s): UNT 1 to Ross Creek classified for the following use(s): WWF, MF. Application received: December 9, 2022. Issued: June 1, 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*

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

*Contact: Ashley Foster, Clerical Assistant 3, 814-342-8215.*

**Permit No. 14234103. Douglas Explosives Services LLC**, 2052 Philipsburg Bigler Hwy, Philipsburg, PA 16866, Benner Township, **Centre County**. Blasting for residential development Application received: May 31, 2023. Issued: June 2, 2023. Expiration date: June 1, 2024.

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

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

**Permit No. 30234102. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141, Gilmore Township, **Greene County**. Blasting Activity Permit for the construction of AES EQT Holt Commercial Development with an expiration date of December 31, 2023. Application received: May 31, 2023. Issued: May 31, 2023.

**Permit No. 63234102. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141, West Franklin Township, **Washington County**. Blasting Activity Permit for the construction of the Penn Mech CNX WFN 12 commercial development with an expiration date of December 31, 2023 Application received: May 31, 2023. Issued: May 31, 2023.

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

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

**Permit No. 64234002. Northeast Blasting**, 403 Middle Creek Road, Honesdale, PA 18431, Cherry Ridge Township, **Wayne County**. Construction blasting for Russel House Project. Application received: May 9, 2023. Permit issued: June 1, 2023. Expiration date: May 8, 2024.

**Permit No. 64234003. Northeast Blasting**, 403 Middle Creek Road, Honesdale, PA 18431, Berlin Township, **Wayne County**. Construction blasting for foundation on Billard Road. Application received: May 22, 2023. Permit issued: June 1, 2023. Expiration date: May 15, 2024.

**Permit No. 38234109. M3 Explo, LLC**, P.O. Box 615, Bowmansville, PA 17507, North Cornwall Township, **Lebanon County**. Construction blasting for Fox Bend. Application received: May 24, 2023. Permit issued: June 2, 2023. Expiration date: May 25, 2024.

**Permit No. 48234001. Orica USA, Inc.**, 971 Mountain Road, Bloomsburg, PA 17815, Palmer Township, **Northampton County**. Construction blasting for Chrin Land Development—Commerce Center. Application received: May 17, 2023. Permit issued: June 5, 2023. Expiration date: December 31, 2025.

#### 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.*

**E4129222-009. Beech Resources, LLC**, 343 Pine Street, Suite 1, Williamsport, PA 17701, Lycoming Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 5, 2022. Issued: June 2, 2023. To construct, operate and maintain

a permanent surface freshwater withdrawal (SFW) and utility trench/corridor in Lycoming Township, Lycoming County. The project consists of constructing approximately 5,850 linear feet of pipeline to connect a water withdrawal site to the nearby Premier Well Pad. The proposed pipeline will include three separate lines: a 12" HDPE water line, a 16" steel gas line and a 6" HDPE conduit for an electrical line. This pipeline will be utilized for the transfer of materials between these two locations. Approximately 580 linear feet of waterline will connect an intake location to the tie in point which is located on an at-grade pervious 150'x150' pad. The project will result in a total of 94 LF (217 SF) of permanent and 428 LF (21,257 SF) of temporary stream impacts, 7,374 SF (0.1693 acre) of permanent and 100,003 SF (2.2958 acres) of temporary floodway impacts and 2,232 SF (0.0512 acre) of permanent wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

**STREAM IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Lycoming Creek	Lycoming Cogan Station	Intake, Pipeline and Workspace	WWF EV	None	428	21,257	43	115	41.301520 77.062494
Beautys Run	Lycoming Cogan Station	Pipeline, HDD and Workspace	WWF	None			51	105	41.295921 77.073916
TOTAL IMPACTS					428	21,257	94	217	

**WETLAND IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland A	Lycoming Cogan Station	Pipeline, HDD and Workspace	PEM; EV	None			515	1,030	41.299794 77.065502
Wetland B	Lycoming Cogan Station	Pipeline, HDD and Workspace	PEM; EV	None			138	276	41.299629 77.065673
Wetland C	Lycoming Cogan Station	Pipeline, HDD and Workspace	PSS; EV	None			290	580	41.295921 77.073916
Wetland D	Lycoming Cogan Station	Pipeline, HDD and Workspace	PEM; EV	None			173	346	41.295752 77.074113
TOTAL IMPACTS							1,116	2,232	

**FLOODWAY IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Lycoming Creek	Lycoming Cogan Station	Intake, pipeline & Workspace	479	40,773	992	2,484	41.301520 77.062494

Resource Name	Municipality Quadrangle	Activity	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Lycoming Creek	Lycoming Cogan Station	Pipeline & Workspace	661	59,230	2,018	4,036	41.301021 77.064370
Beautys Run	Lycoming Cogan Station	Pipeline & Workspace			427	854	41.295921 77.073916
TOTAL IMPACTS			1,140	100,003	3,437	7,374	

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

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

**E3306223-001. PA Game Commission**, 2001 Elmerston Avenue, Harrisburg, PA 17110, Eldred Township, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a 40-foot long and 14-foot wide single span bridge over Updike Run, replacing an existing ford crossing on an administrative road within State Game Lands Number 074 north of Corsica. Latitude: 41.23722°, Longitude: -79.205833°. Application received: January 9, 2023. Issued: May 30, 2023.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700, 717-705-4802.*

**E2803222-001. Hamilton Township**, 1270 Crottles-town Road, Chambersburg, PA 17201, Hamilton Township, **Franklin County**. U.S. Army Corps of Engineers Baltimore District.

To 1) remove 369 linear feet of an existing 24-inch reinforced concrete pipe (RCP) carrying an Unnamed Tributary (UNT) to Conococheague Creek (WWF, MF); 2) construct and maintain a 284 long, 5-foot wide, 6-inch deep low flow stream channel, 20-foot wide vegetated benches with deciduous tree plantings on each side of the channel, and a 60-foot long R-6 rock riprap apron; 3) replace and maintain 124 linear feet of a 24-inch RCP, and 4) install and maintain a 24-inch RCP winged headwall, resulting in 369 linear feet of permanent impacts to the UNT to Conococheague Creek (WWF, MF), all for the purpose of improving the efficiency of the stream to provide water quality benefits in order to meet the Township's MS4 permit requirements. The project is located between Hoke Drive and Sunset Avenue in Hamilton Township, Franklin County (Latitude: 39.941073, Longitude: -77.674945). No wetlands will be impacted by this project. Latitude: 39.941073°, Longitude: -77.674945°. Application received: February 1, 2022. Issued: June 6, 2023.

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

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

**E0901222-003. 213 Industrial, LLC**, c/o Foxfield Industrial, LLC, 265 Franklin Street, Suite 1001, Boston, MA 02110, Middletown Township, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the East Old Lincoln Highway Industrial Facility—South Site. The project proposes construction of a 451,000 SF warehouse with associated parking and stormwater facilities, impact-

ing 0.071 acre of coastal wetlands associated with Mill Creek (WWF). There will be no stream, floodway, or floodplain impacts. The site is approximately located at 1700 East Old Lincoln Highway (Perkiomenville PA) in Middletown Township, Bucks County. Latitude: 40.175431°, Longitude: -74.894689°. Application received: June 16, 2022. Issued: June 1, 2023.

**E1501223-005. Borough of Kennett Square**, 600 South Broad Street, Suite 110, Kennett Square, PA 19348, Kennett Square Borough, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following-listed water obstruction and encroachment activities associated with Red Clay Park—Phase I. Kennett Square Borough is seeking permitting for the construction of a 300 ft long by 12 ft wide at-grade asphalt trail along East Branch of Red Clay Creek (TSF, MF). The proposed work will also include a creek access feature which will be constructed of boulders along the stream bank, a stormwater management system which includes the construction of a subsurface gravel storage bed, and new outfall structure. The site is located near the intersection of Dalmation and Cypress Streets (Kennett Square, PA USGS Map) in Kennett Square Borough, Chester County. Latitude: 39.846106°, Longitude: -75.705938°. Application received: February 22, 2023. Issued: May 24, 2023.

**E2301223-001. Mauro Investments, LLC**, 38 Stephen Drive, Glen Mills, PA 19342, Collingdale Borough, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District.

To extend a 48-inch diameter RCP outfall with a 6-foot by 6-foot junction box and an additional 75-foot-long, 48-inch diameter, aluminized 16-gauge Type 2 corrugated steel pipe. This activity includes the placement of fill above the extension as well as new outfall headwall and the placement of riprap outlet protection. Proposed activities will result in 75 linear feet (300 square feet) of permanent watercourse impact. As a result of these permanent impacts to resources, a mitigation plan was developed and will be implemented. This project is located at 300 Rhodes Avenue in Collingdale Borough and is associated with an earlier PADEP application: E2301222-006 (USGS PA Lansdowne Quadrangle). Latitude: 39.917129°, Longitude: -75.269659°. Application received: April 6, 2023. Issued: June 5, 2023.

**E4601222-023. Southeastern Pennsylvania Transportation Authority (SEPTA)**, 1234 Market Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

The Southeastern Pennsylvania Transportation Authority (SEPTA) is proposing the following-listed water obstruction and encroachment activities associated with the SEPTA Shoreline Slope Stabilization Project—Site 3, which includes stabilizing the existing bank (800 ft x 43.5

feet) of the Schuylkill River (WWF, MF) by installing mattress revetment to stabilize the embankment, with permanent floodway impact of 0.80 acre. The work was completed under Emergency Permit EP 4622030, issued June 6, 2022. The site is located between the Norristown and Conshohocken Line Stations (Philadelphia, PA USGS Map) in Plymouth Township, Montgomery County. Latitude: 40.09667°, Longitude: -75.32194°. Application received: November 21, 2022. Issued: May 23, 2023.

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

To demolish and remove the existing houses, accessory structure, foundations, pads, and other site improvements and maintain as an open lawn ground with native trees and vegetation along the floodplain of the Schuylkill River (WWF-MF) and the Perkiomen Creek (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 307 Hollow Road and 453 Lower Indian Head Road (Collegeville, PA, USGS Quadrangle) in Upper Providence Township, Montgomery County. Latitude: 40.129075° and 40.147803°, Longitude: -75.492719° and -75.446496°. Application received: February 14, 2023. Issued: May 25, 2023.

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

To demolish and remove the existing houses, accessory structure, foundations, pads, and other site improvements and maintain as an open lawn ground with native trees and vegetation along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 112, 114, 116 Walnut Street, Mont Clare, and 425 Port Providence Road, Phoenixville (Phoenixville, PA, USGS Quadrangle and Collegeville, PA, USGS Quadrangle) in Upper Providence Township, Montgomery County. Latitude: 40.135647 and 40.130634°, Longitude: -75.506312 and -75.497002°. Application received: February 22, 2023. Issued: June 1, 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.

*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 **ESG080323002-00**

Applicant Name **Snyder Brothers**

Contact Person Carl Rose

Address P.O. Box 1022

City, State, Zip Kittanning, PA 16201

Township(s) Rayburn Township, Valley Township

County **Armstrong County**

Receiving Stream(s) and Classification(s) Hays Run (WWF), South Fork Pine Creek (HQ—CWF), Tributary 46966 to Cowanshannock Creek (WWF), Tributary 46978 to Cowanshannock Creek (WWF), Tributary 47164 to South Fork Pine Creek (HQ—CWF), Tributary 47166 to South Fork Pine Creek (HQ—CWF), UNT to tributary 47164 to South Fork Pine Creek (HQ—CWF).

Application received: April 4, 2023

Approved: June 5, 2023

*Contact: Katelyn Hogue, Clerical Supervisor 2, 814-332-6868.*

ESCGP # 3 **ESG081023003-00**

Applicant Name **Markwest Liberty Bluestone, LLC**

Contact Person Brian Elliott

Address 4600 J. Barry Court, Suite 500

City, State, Zip Canonsburg, PA 15317

Township(s) Connoquenessing Township and Forward Township

County **Butler County**

Receiving Stream(s) and Classification(s) UNTs to Connoquenessing Creek (WWF)

Application received: March 24, 2023

Issued: June 5, 2023

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

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

ESCGP # 3 **ESG073023005-00**

Applicant Name **DTM Appalachia Gathering, LLC**

Contact Person John Dzurko

Address 1000 Noble Energy Drive

City, State, Zip Canonsburg, PA 15317

Township(s) Jefferson Township

County **Greene County**

Receiving Stream(s) and Classification(s) UNT to Muddy Creek, WWF

Application received: February 23, 2023

Issued: May 31, 2023

*Contact: D. J. Stevenson, (724) 442-4281.*

ESCGP # 3 **ESG076523003-00**

Applicant Name **Hyperion Midstream, LLC**

Contact Person Brian Dillemath

Address 501 Technology Drive, Suite 1200

City, State, Zip Canonsburg, PA 15317

Township(s) Penn Township

**County Westmoreland County**

Receiving Stream(s) and Classification(s) Tributary 37295 to Bushy Run, TSF; Tributary 37296 to Bushy Run, TSF; Tributary 37297 to Bushy Run, TSF; Tributary 37299 to Bushy Run, TSF; Byers Run, TSF; Lynons Run, TSF

Application received: April 27, 2023

Issued: June 5, 2023

Contact: William Stevens, Clerical Supervisor 2, 412-442-4134.

**ESCGP # 3 ESG070423003-00**

Applicant Name **Pennenergy Resources, LLC**

Contact Person Cody Salmon

Address 1000 Commerce Drive, Park Place One, Suite 400 City, State, Zip Pittsburgh, PA 15275

Township(s) New Sewickley Township

**County Beaver County**

Receiving Stream(s) and Classification(s) Crows Run (WWF)

Application received: May 2, 2023

Issued: June 5, 2023

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

DEP has received the following plans and reports.

*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.

**Earl F. Dean Facility**, Storage Tank Facility ID # **53-11710**, 766 US Route 6 West, Galeton, PA 16922, Pike Township, **Potter County**. Gary C. Calvert LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of EDPO, LLC, 44 Reuter Blvd, Towanda, PA 18848 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Unleaded Gasoline and Diesel Fuel. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

**Fuel On 2**, Storage Tank Facility ID # **19-00603**, 711 Market Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Fuel on 2, 711 Market Street, Bloomsburg, PA 17815 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Unleaded Gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

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

Contact: Eric Supey, Environmental Program Manager.

**Convenient Food Mart**, Storage Tank Facility ID # **40-08918**, 340 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of CDG 320 Inc., 304 North Wilkes-Barre Township 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 and site-specific standards.

**Al's Quick Stop PA0022 Dunmore**, Storage Tank Facility ID # **35-01861**, 1220 Wheeler Avenue, Dunmore, PA 18512, Dunmore Borough, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Store 942 Real Estate, LLC, 1010 Drinker Street, Dunmore, PA 18512 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting site-specific standards.

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

Contact: Natalie Ferraro 814-332-6648.

**Kwik Fill S 92**, Storage Tank Facility ID # **32-23790**, 2311 Oakland Ave, Indiana, PA 15701, Indiana Borough, **Indiana County**. Kleinfelder, 51 Dutilh Rd, Suite 240, Cranberry Twp, PA 16066, on behalf of United Refining Company, 15 Bradley St, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

**Honey Bear Mini Mart Graft Oil**, Storage Tank Facility ID # **03-07315**, 200 N McKean Street, Kittanning, PA 16201, Kittanning Borough, **Armstrong County**. Mountain Research LLC, 825 25th St, Altoona, PA 16601, on behalf of OCI, Inc., P.O. Box 899, Connelville, PA 15425 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 residential Statewide health and site-specific standards.



**Russell City Store**, Storage Tank Facility ID # **24-30431**, 1536 State Route 66, Kane, PA 16736, Highland Township, **Elk County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Theodore Lutz, 424 Robin Street, Dunkirk, NY 14048 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 Statewide health standards.

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

*Contact: Gregory Bowman, Environmental Group Manager.*

**Adams County Auto and Truck Repair**, Storage Tank Facility ID # **01-28005**, 720 W ELM AVE, Hanover, PA 17331-4703, Conewago Township, **Adams County**. Buchart Horn, Inc., 445 W Philadelphia St, York, PA 17401, on behalf of Shipley Energy, 415 Norway St, York, PA 17403 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The plan is intended to document the remedial actions for meeting Statewide health and site-specific standards.

*Contact: Robin L. Yerger, LPG.*

**Rutter's 31**, Storage Tank Facility ID # **21-39506**, 1 Airport Rd, Shippensburg, PA 17257, Shippensburg Township, Shippensburg, **Cumberland County**, United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 N Susquehanna Trail, Ste C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

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

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

**Markus Hook Terminal**, Storage Tank Facility ID # **23-14224**, 100 Green St., Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. Stantec Consulting Services Inc., 1060 Andrew Drive, West Chester, PA 19380, on behalf of Energy Transfer Marketing & Terminals L.P., 100 Green Street, Marcus Hook, PA 19061 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with lead (Pb) and benzene. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

**Turkey Hill 193**, Storage Tank Facility ID # **15-40730**, 2 E. Bridge Street, Spring City, PA 19475, Spring City Borough, **Chester County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Turkey Hill Minit Markets, LLC, 165 Flanders Rd., Westborough, MA 01581 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting site-specific standards.

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

*Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.*

**East McKeesport Texaco**, Storage Tank Facility ID # **02-21391**, 1153 5th Avenue, East McKeesport, PA 15035, East McKeesport Borough, **Allegheny County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Golden Oil Co, P.O. Box 275, Oakdale, PA 15071 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 Statewide health standards.

**Tony's Auto Center**, Storage Tank Facility ID # **02-81181**, 5607 Library Road, Bethel Park, PA 15102, Bethel Park Borough, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Anthony Colavecchia, 5607 Luibrury Road, Bethel Park, PA 15102 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The combined plan and report is intended to document the remedial actions for meeting nonresidential site-specific 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.*

**Kwik Fill M-0202**, Storage Tank Facility ID # **17-28130**, 87 Rolling Stone Road, Kylertown, PA 16847, Cooper Township, **Clearfield County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Diesel fuel. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on June 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.*

**Sunoco 0363 0233**, Storage Tank Facility ID # **40-24230**, 308 South Main Street, Pittston, PA 18640, City of Pittston, **Luzerne County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was not acceptable to meet the site-specific standards and was disapproved by DEP on June 1, 2023.

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

*Contact: A. Lee Nageotte, Geologist, 814-332-6127.*

**Dicks Svc Ctr**, Storage Tank Facility ID # **62-21834**, 3 North Main Street, Youngsville, PA 16371, Youngsville Borough, **Warren County**. DMS Environmental Services LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Ed's Property Maintenance, 3 North Main Street, Youngsville, PA 16371 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Petroleum. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on June 2, 2023.

*Contact: Ben Weaver, 814-350-5132.*

**Sheetz 96**, Storage Tank Facility ID # **24-38772**, 132 North Broad Street, Ridgway, PA 15853, Ridgway Borough, **Elk County**. EnviroTrac Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 5700 6th Ave, Altoona, PA 16602 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan nonresidential was ac-

ceptable to meet the Statewide health standards and was approved by DEP on June 1, 2023.

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

*Contact: Cherie M. Campbell, Soil Scientist.*

**Martins Auto Ctr**, Storage Tank Facility ID # **36-61981**, 680 Lancaster Ave, New Holland, PA 17557-9780, Earl Township, **Lancaster County**. Element Environmental Solutions, Inc., 61 Willow Street, P.O. Box 921, Adamstown, PA 19501, on behalf of Martin Auto Center, 680 Lancaster Ave, New Holland, PA 17557 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Petroleum Constituents. The report demonstrated attainment of the Statewide health standards and was approved by DEP on June 1, 2023.

*Contact: Robin L. Yerger, LPG.*

**Rutter's 31**, Storage Tank Facility ID # **21-39506**, 1 Airport Rd, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 N Susquehanna Trail, Ste. C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum. The report nonresidential did not demonstrate attainment of the Statewide health and site-specific standards and was disapproved by DEP on June 2, 2023.

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

*Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.*

**GetGo # 3105**, Storage Tank Facility ID # **02-33961**, 998 Hayden Boulevard, Elizabeth, PA 15037, Forward Township, **Allegheny County**. PVE, LLC, 2000 Georgetown Drive, Suite 101, Sewickley, PA 15143, on behalf of Giant Eagle, Inc., 101 Kappa Drive, Pittsburgh, PA 15238 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on June 5, 2023.

**Route 51 Exxon**, Storage Tank Facility ID # **26-83288**, 1156 Pittsburgh Road, Uniontown, PA 15401, North Union Township, **Fayette County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Gnagey Gas and Oil Company, 8 Gardner Street, Uniontown, PA 15401 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with diesel fuel. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on June 5, 2023.

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## SPECIAL NOTICES

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### WATER PROGRAMS

#### EROSION AND SEDIMENT CONTROL

*Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

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

**ESG834322001-00.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance

Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The NM44 Replacement Project proposes approximately 20 acres of earth disturbance to replace three sections of natural gas pipeline, with respective approximate linear foot lengths of 3,487, 1,659 and 3,530.

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG834322001-00	National Fuel Gas Supply Corporation 6363 Main St Williamsville, NY 14221-5887	Mercer County	Regional Permit Coordination Office

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). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

#### WASTE, AIR, RADIATION AND REMEDIATION

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

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

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

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

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Brian Bacchus	125 Twin Oaks Dr Wexford, PA 15090-8629	Testing Individual
Paul Suhrie	2648 Majestic Ct East Stroudsburg, PA 18302-6688	Testing Individual
Thomas Bennett	101 Lynch St Sayre, PA 18840	Testing Individual
Scott Feeser	P.O. Box 343 East Berlin, PA 17316-0343	Testing Individual
Charles Gutridge	614 Laurelwood Rd Pottstown, PA 19465-7834	Testing Individual
Gutridge Inspections	614 Laurelwood Rd Pottstown, PA 19465-7834	Testing Firm
Warren Kutcher	24 Sandy Dr Jeannette, PA 15644-1062	Testing Individual
John Jenkins, Jr.	40 Sorber Rd Shickshinny, PA 18655-4125	Testing Individual
Blake Seagraves	401 N Michigan Ave Suite 1200 Chicago, IL 60611-4255	Testing Individual
William Kail	549 McCombs Rd Venetia, PA 15367-1346	Mitigation Individual
Home Radon Pros	549 McCombs Rd Venetia, PA 15367-1346	Mitigation Firm
Anthony Kovatto	224 Walker Rd Macungie, PA 18062-2019	Testing Individual
Michael Walley	9194 Valley View Dr Clarks Summit, PA 18411-9170	Testing Individual
John Van Kampen	259 Sandoeshire Ln Chambersburg, PA 17201-8797	Mitigation Individual

<i>Name</i>	<i>Address</i>	<i>Certification</i>
HomeMaster Home Inspections	9125 Marshall Rd Ste B12 Cranberry Township, PA 16066-3603	Testing Firm
George Curry	P.O. Box 508 Medford, NJ 08055-0508	Testing Individual
Thomas Schiavone	8090 Running Valley Rd Stroudsburg, PA 18360-8841	Testing Individual
Luke Loomis	586 Baldwin Rd Fulton, NY 13069-4871	Laboratory Individual
Radon Analytics Laboratory, LLC	586 Baldwin Rd Fulton, NY 13069-4871	Laboratory Firm
Lois Ditenfeld	4326 Crestview Rd Harrisburg, PA 17112-2005	Laboratory Individual
TCS Industries, Inc.	4326 Crestview Rd Harrisburg, PA 17112-2005	Laboratory Firm
Carl Distenfeld	4326 Crestview Rd Harrisburg, PA 17112-2005	Laboratory Individual
Jeffrey Zimmerman	99 Kohler Rd Kutztown, PA 19530-9270	Mitigation Individual
Gold Star Radon, Inc.	P.O. Box 179 Kutztown, PA 19530-0179	Mitigation Firm
Douglas Mckee	86 Quartz Dr Bellefonte, PA 16823-7509	Testing Individual
Douglas Mckee	86 Quartz Dr Bellefonte, PA 16823-7509	Mitigation Individual
Greg Petruska	269 State Rd Valencia, PA 16059-2214	Testing Individual
Pillar To Post Butler County	269 State Rd Valencia, PA 16059-2214	Testing Firm
Thomas Moore	421 Redgate Rd Sewickley, PA 15143-2507	Testing Individual
William Dunn, Jr.	3111 S 19th St Philadelphia, PA 19145-5416	Testing Individual
Benjamin Poles, Jr.	2325 Bradley Way Pottstown, PA 19464-2684	Testing Individual
Eric Zigga	835 Murray St Throop, PA 18512-1166	Mitigation Individual
Sean Minogue	145 Fox Rd Dingmans Ferry, PA 18328-3090	Testing Individual
Steve Laumonier	179 Maedownside Dr Douglassville, PA 19518-1337	Testing Individual
Jeremy Ling	4900 Carlisle Pk. # 277 Mechanicsburg, PA 17050-7709	Mitigation Individual
Dan Ayers	7601 Derry St. Ste B Harrisburg, PA 17111-2344	Testing Individual
David Sabo	702 Rossmore Ave Pittsburgh, PA 15226-1641	Testing Individual
Rob Bruno	501 Sharp Ave Glenolden, PA 19036-2313	Testing Individual
Boro Enviromental, Inc.	501 Sharp Ave Glenolden, PA 19036-2313	Testing Firm
Roger Weaver	P.O. Box 275 White Haven, PA 18661-0275	Testing Individual
Peter Westera	2092 E Old Philadelphia Rd Elkton, MD 21921-6859	Certification Withdrawn

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Brain Covalt	101 Boyd Ave Beaver Falls, PA 15010-2109	Certification Withdrawn

**Covered Device Prohibited from Sale under Sections 302 and 507 of the Covered Device Recycling Act, Act 108 of 2010.**

*Contact: Teesha Truesdale 787-7382.*

The Department of Environmental Protection (Department) hereby announces that a certain manufacturer of covered devices is not included on the Department's list of registered manufacturers, maintained by the Department under sections 302 and 507 of the Covered Device Recycling Act (CDRA). Accordingly, under Section 302 of the CDRA, no retailer may offer these manufacturers' products for sale within the Commonwealth.

Manufacturers of new covered devices—such as televisions, laptop and desktop computers, tablets, etc.—offered for sale in Pennsylvania are required to register with the Department prior to commencing sales per Section 304 of the CDRA. Manufacturers must also pay an annual registration fee and submit a recycling plan and annual report. Section 302 of the CDRA prohibits the sale of covered devices in the Commonwealth by unregistered manufacturers.

The Department is required to maintain a list of registered manufacturers per Section 302(b) of the CDRA. The list can be accessed by visiting [dep.pa.gov](http://dep.pa.gov).

The following manufacturer is not included on the Department's list and are therefore considered out of compliance:

**Richwoods Technology Inc. (Azpen).** Due to its non-compliant status and non-inclusion on the list of registered manufacturers, the Department is notifying the public, in cooperation with covered device retailers, that the CDRA prohibits the sale of devices manufactured by Azpen within the Commonwealth, and that the sale of such devices would constitute unlawful conduct under the CDRA. Non-compliant manufacturers may once again be included on the Department's list of registered manufacturers, and their devices offered for sale in the Commonwealth, if the manufacturers return to compliance with all the applicable provisions of the CDRA.

Inquiries regarding this notification can be directed to Jordan Hoover, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at [jorhoover@pa.gov](mailto:jorhoover@pa.gov) or (717) 783-8973.

[Pa.B. Doc. No. 23-795. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

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

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

#### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northcentral	Centre	Centre County	Plan Revision	\$43,362

RICHARD NEGRIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-796. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Solid Waste Advisory Committee Meeting Cancellation

The June 22, 2023, meeting of the Solid Waste Advisory Committee (Committee) is cancelled. The next regular meeting of the Committee is scheduled for October 19, 2023. This meeting will be held jointly with the annual meeting of the Recycling Fund Advisory Committee.

Information will be provided on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Partici-

pation," then "Advisory Committees," then "Waste," then "Solid Waste Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions can be directed to Laura Henry at [lahenry@pa.gov](mailto:lahenry@pa.gov) or (717) 772-5713.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-9870 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RICHARD NEGRIN,  
Acting Secretary

[Pa.B. Doc. No. 23-797. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

Facility Name	Regulation
Ambulatory Surgery Center of Bala Cynwyd	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Apple Hill Surgical Center Partners	28 Pa. Code § 555.3(e) (relating to requirements for membership and privileges)
Doylestown Health Endoscopy Center	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 553.1 (relating to principle)
	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 555.31(a) (relating to principle)
	28 Pa. Code § 563.2(b) (relating to organization and staffing)
GSH Outpatient Surgery Center	28 Pa. Code § 555.3(e)
Jefferson Surgical Center	28 Pa. Code § 567.53(1) (relating to sterilization control)
Surgery Center of Allentown, LLC	28 Pa. Code § 551.21(d)(1)
Waterfront Surgery Center, LLC	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Wellspan Chambersburg Endoscopy Center, LLC	28 Pa. Code § 555.3(e)
Wellspan Dr. Roy A. Himelfarb Surgery Center	28 Pa. Code § 555.3(e)
Wellspan Surgical Center	28 Pa. Code § 555.3(e)
Wellspan Surgery Center—Hanover	28 Pa. Code § 555.3(e)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

Facility Name	Guidelines Section and relating to	Yr <sup>1</sup>
Allegheny Health Network Surgery Center—Bethel Park, LLC	A2.1-3.2.3.2 space requirements	18-O

<sup>1</sup> 2018 Year *FGI Regulations* were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by "-O."

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
Acting Secretary

[Pa.B. Doc. No. 23-798. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from May 1, 2023, through May 31, 2023. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

#### Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
AHN North Fayette Ambulatory Surgery Center	§ 569.35(7) (relating to general safety precautions)	05/13/2023	Granted w/Conditions
	§ 571.1 (relating to minimum standards) 2.1-3.2.2.1(1)(a)(ii) general	05/13/2023	Granted
	§ 571.1 2.1-3.2.3.7(2)(a)(i) other design requirements	05/13/2023	Granted
	§ 571.1 2.1-3.9.4.1(2) and (3) staff changing area	05/13/2023	Granted
	§ 571.1 2.1-4.1.2.2(1)(a) and (b) laboratory workstation(s)	05/13/2023	Granted
The Eye Surgery Center	§ 551.3 (relating to definitions)	05/11/2023	Granted w/Conditions
Laurel Surgical Center	§ 553.31(a) (relating to administrative responsibilities)	05/13/2023	Granted w/Conditions
Red Lion Surgicenter, LLC	§ 571.1 2.1-3.8.12 soiled workroom or soiled holding room	05/13/2023	Granted
	§ 571.1 2.1-4.3.2.2(2)(b)(iii) two-room sterile processing facility	05/13/2023	Granted

#### Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Abington Hospital	§ 153.1(a) (relating to minimum standards) 2.1-2.8.8.2(1)(b)(ii) work areas for preparing, dispensing and administering medications	05/11/2023	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a) doors and door hardware	05/11/2023	Granted
	§ 153.1(a) 2.1-7.2.2.5(1) windows in patient rooms	05/11/2023	Granted
	§ 153.1(a) 2.2-2.2.2.5 handwashing stations	05/11/2023	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Encompass Health Rehabilitation Hospital of Altoona, LLC	§ 153.1(a) 2.6-2.2.2.2(a) space requirements	05/13/2023	Granted
Geisinger Wyoming Valley Medical Center	§ 153.1(a) 2.2-3.5.2.5(1)(b) system component room	05/11/2023	Granted w/Conditions
The Lancaster General Hospital	§ 101.31(7) (relating to hospital requirements)	05/15/2023	Granted w/Conditions
Penn Highlands Huntingdon	§ 107.61 (relating to written orders)	05/13/2023	Granted w/Conditions
Penn Highlands Tyrone	§ 107.61	05/13/2023	Granted w/Conditions
The Robert Packer Hospital	§ 153.1(a) 2.2-3.5.2.2(1)(b)(i) and (ii) space requirements	05/13/2023	Granted
UPMC Somerset	§ 107.62(a) and (b) (relating to oral orders)	05/13/2023	Granted

### Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Cedar Haven Healthcare Center	§ 205.6(a) (relating to function of building)	05/30/2023	Granted
Chandler Hall Health Services, Inc.	§ 205.67(j) and (k) (relating to electric requirements for existing and new construction)	05/15/2023	Granted
Concordia at Cedars	§ 201.18(e) (relating to management)	05/01/2023	Denied
The Glen at Willow Valley	§ 205.20(a) (relating to resident bedrooms)	05/30/2023	Granted
Harmony Physical Rehabilitation	§ 201.18(e)	05/01/2023	Denied
Moravian Hall Square Health And Wellness Center	§ 201.3 (relating to definitions)	05/30/2023	Granted
Moravian Village of Bethlehem	§ 205.7 (relating to basement or cellar)	05/22/2023	Granted
Providence Pointe Healthcare Residence	§ 205.36(h) (relating to bathing facilities)	05/22/2023	Granted
Shenango Presbyterian Seniorcare	§ 205.6(a)	05/30/2023	Granted
Sweden Valley Manor	§ 201.22(e) and (k) (relating to prevention, control and surveillance of tuberculosis (TB))	05/01/2023	Granted
Tulip Special Care, LLC	§ 205.67(e)	05/30/2023	Denied

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-799. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
AHN Wexford Hospital	28 Pa. Code § 51.3(a)—(d) (relating to notification)
	28 Pa. Code § 101.31(5) and (6) (relating to hospital requirements)
	28 Pa. Code § 105.15 (relating to patient identification)
	28 Pa. Code § 107.64 (relating to administration of drugs)



<i>Facility Name</i>	<i>Regulation and relating to</i>
	28 Pa. Code § 109.4 (relating to professional nursing staff)
	28 Pa. Code § 117.30(3) and (4) (relating to emergency paramedic services)
	28 Pa. Code § 153.1(a) and (c) (relating to minimum standards)
Allegheny General Hospital	28 Pa. Code § 51.3(a)—(d)
	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 105.15
	28 Pa. Code § 107.64
	28 Pa. Code § 109.4
	28 Pa. Code § 117.30(3) and (4)
	28 Pa. Code § 153.1(a) and (c)
Allegheny Valley Hospital	28 Pa. Code § 51.3(a)—(d)
	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 105.15
	28 Pa. Code § 107.64
	28 Pa. Code § 109.4
	28 Pa. Code § 117.30(3) and (4)
	28 Pa. Code § 153.1(a) and (c)
Canonsburg Hospital	28 Pa. Code § 109.4
Clarion Hospital	28 Pa. Code § 101.4 (relating to definitions)
	28 Pa. Code § 135.5 (relating to surgical emergency care)
Forbes Hospital	28 Pa. Code § 51.3(a)—(d)
	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 105.15
	28 Pa. Code § 107.64
	28 Pa. Code § 109.4
	28 Pa. Code § 117.30(3) and (4)
	28 Pa. Code § 153.1(a) and (c)
Grand View Health	28 Pa. Code § 107.5(b)(1)—(5) (relating to membership appointment and reappointment)
	28 Pa. Code § 107.26(b)(1) (relating to additional committees)
The Hospital of the University of Pennsylvania	28 Pa. Code § 107.64
Jefferson Hospital	28 Pa. Code § 51.3(a)—(d)
	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 105.15
	28 Pa. Code § 107.64
	28 Pa. Code § 109.4
	28 Pa. Code § 117.30(3) and (4)
	28 Pa. Code § 153.1(a) and (c)
The Milton S. Hershey Medical Center	28 Pa. Code § 51.3(a) and (b)
	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 105.15
	28 Pa. Code § 107.64
	28 Pa. Code § 117.30(3) and (4)
	28 Pa. Code § 153.1(a) and (c)
Mount Nittany Medical Center	28 Pa. Code § 51.23 (relating to positron emission tomography)

<i>Facility Name</i>	<i>Regulation and relating to</i>
Penn Highlands Connellsville	28 Pa. Code § 103.31 (relating to the chief executive officer)
	28 Pa. Code § 107.12(9) (relating to content of bylaws, rules and regulations)
	28 Pa. Code § 107.26(b)(1), (3), (5) and (6)
	28 Pa. Code § 107.41 (relating to continuing education)
Penn Highlands Mon Valley	28 Pa. Code § 103.31
Wellspan Chambersburg Hospital	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 107.5(c)
	28 Pa. Code § 109.4
	28 Pa. Code § 113.13 (relating to cabinets)
	28 Pa. Code § 133.6(b)(1) and (2) (relating to special care unit nursing service)
	28 Pa. Code § 151.12 (relating to fire warning and safety systems)
	28 Pa. Code § 151.13 (relating to testing fire warning systems)
	28 Pa. Code § 151.45 (relating to electrical safety)
	28 Pa. Code § 151.46(1)—(6) (relating to general safety precautions)
	28 Pa. Code § 151.47(1) and (2) (relating to safety devices)
	28 Pa. Code § 153.1(a) and (c)
Wellspan Ephrata Community Hospital	28 Pa. Code § 107.5(c)
Wellspan Gettysburg Hospital	28 Pa. Code § 107.5(c)
Wellspan Good Samaritan Hospital	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 107.5(c)
	28 Pa. Code § 109.4
	28 Pa. Code § 113.13
	28 Pa. Code § 133.6(b)(1) and (2)
	28 Pa. Code § 133.21 (relating to facilities)
	28 Pa. Code § 133.31(a) (relating to policies and procedures)
	28 Pa. Code § 151.12
	28 Pa. Code § 151.13
	28 Pa. Code § 151.45
	28 Pa. Code § 151.46(1)—(6)
	28 Pa. Code § 151.47(1) and (2)
	28 Pa. Code § 153.1(a) and (c)
Wellspan Surgery and Rehabilitation Hospital	28 Pa. Code § 107.5(c)
Wellspan Waynesboro Hospital	28 Pa. Code § 107.5(c)
Wellspan York Hospital	28 Pa. Code § 101.31(5) and (6)
	28 Pa. Code § 107.5(c)
	28 Pa. Code § 109.4
	28 Pa. Code § 113.13
	28 Pa. Code § 133.6(b)(1) and (2)
	28 Pa. Code § 151.12
	28 Pa. Code § 151.13
	28 Pa. Code § 151.45
	28 Pa. Code § 151.46(1)—(6)
	28 Pa. Code § 151.47(1) and (2)
	28 Pa. Code § 153.1(a) and (c)
West Penn Hospital	28 Pa. Code § 51.3(a)—(d)
	28 Pa. Code § 101.31(5) and (6)

<i>Facility Name</i>	<i>Regulation and relating to</i>
	28 Pa. Code § 105.15
	28 Pa. Code § 107.64
	28 Pa. Code § 109.4
	28 Pa. Code § 117.30(3) and (4)
	28 Pa. Code § 153.1(a) and (c)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition* or the *Guidelines for Design and Construction of Hospitals—2022 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2022 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1,2</sup></i>
Allegheny Valley Hospital	2.2-3.5.10.2(2)(a) patient toilet room	22
Penn Highlands Dubois	2.1-3.2.2.7(3)(a)(i) other design requirements	18-O
	2.1-3.5.1.3(1)(d) radiation protection	18-O
	2.1-3.5.2.2(1)(b)(i) space requirements	22-O
	2.1-3.5.8.15(2) pre- and post-procedure patient care area	18-O
	2.1-3.10.2.1 patient toilet room	22-O
	2.1-7.2.2.2(1) ceiling height	22-O
	2.1-7.2.3.1(6)(a)(ii) flooring and wall bases	18-O
	2.1-7.2.3.2(1)(c)(i) walls and wall protection	18-O
	2.1-7.2.3.3(2) ceilings	18-O
	2.1-8.4.4 medical gas and vacuum systems	18-O
	2.1-8.5.1 call systems	18-O
Thomas Jefferson University Hospitals, Inc.	2.1-2.6 patient toilet room for individuals of size	18-O
	2.1-2.7.1.1(3)(b) clearances	18-O
	2.1-2.10.2.1 door openings to accommodate individuals of size	18-O

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

<sup>2</sup> 2022 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-800. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Pleasant Valley Manor, Inc.  
Monroe County Home  
4227 Manor Drive  
Stroudsburg, PA 18360  
FAC ID # 161702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Pleasant Ridge Manor—West  
8300 West Ridge Road  
Girard, PA 16417  
FAC ID # 311002

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

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

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

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

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-801. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### MA Program Fee Schedule Update for an Additional Bivalent Dose of the SARS-CoV-2 Vaccine Manufactured by Pfizer, Inc.

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure code to the Medical Assistance (MA) Program Fee Schedule for the administration of an additional bivalent dose of the novel coronavirus (SARS-CoV-2) vaccine manufactured by Pfizer, Inc. The effective date and MA Fee for the code is indicated as follows.

<i>Vaccine Manufacturer</i>	<i>Procedure Code</i>	<i>Description</i>	<i>Effective Date</i>	<i>MA Fee</i>
Pfizer, Inc.	0174A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, bivalent spike protein, preservative free, 3 mcg/0.2 mL dosage, diluent reconstituted, tris-sucrose formulation; booster dose	3/14/23	\$40

The MA Program Fee Schedule has been updated with the new Current Procedural Terminology (CPT) code to allow for payment of the administration of the additional bivalent dose of the SARS-CoV-2 vaccine manufactured by Pfizer, Inc.

The Department issued an MA Bulletin to enrolled providers to advise them of the addition of the CPT code for the administration of the additional bivalent dose of the SARS-CoV-2 vaccine manufactured by Pfizer, Inc. to the MA Fee Schedule.

#### *Fiscal Impact*

There is no fiscal impact associated with the addition of these procedure codes.

#### *Public Comment*

Interested persons are invited to submit written comments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1582. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-802. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Electric 8s Instant Lottery Game 1645

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby

provides public notice of the rules for the following instant lottery game:

- 1. Name:** The name of the game is Pennsylvania Electric 8s (“Electric 8s”). The game number is PA-1645.
- 2. Price:** The price of an Electric 8s instant lottery game ticket is \$2.
- 3. Play symbols:** Each Electric 8s instant lottery game

ticket will contain one play area featuring two "WINNING NUMBER" areas and a "YOUR NUMBERS" area. The play symbols and their captions, located in the two "WINNING NUMBER" areas, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 8X (8TIMES) symbol and a Bolt (WINALL) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$80<sup>00</sup> (EIGHTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$18,000 (EGTNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$100, \$400, \$1,000 and \$18,000. Electric 8s contains a feature that can multiply certain prizes. For a complete list of prizes that can be won in this game, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to ten times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Electric 8s instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$18,000 (EGTNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$18,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$80<sup>00</sup> (EIGHTY) appears in four of the "prize" areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the prize areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$320.

(h) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$160.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the prize areas, a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in seven of the "prize" areas and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$80<sup>00</sup> (EIGHTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(m) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$80.

(n) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the prize areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$80.

(o) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$80.

(p) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$64.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the prize areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the "prize" areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which a Bolt (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$32.

(v) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which an 8X (8TIMES) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$16.

(x) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(z) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(bb) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBER" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$2	\$2	11.45	733,600
\$2 × 2	\$4	50	168,000
\$4	\$4	75	112,000
\$5	\$5	25	336,000
\$2 × 4	\$8	150	56,000
\$4 × 2	\$8	150	56,000
(\$2 × 2) + \$4	\$8	100	84,000
\$8	\$8	71.43	117,600
\$2 × 5	\$10	500	16,800
(\$4 × 2) + \$2	\$10	375	22,400
\$8 + \$2	\$10	150	56,000
\$10	\$10	750	11,200
\$2 × 10	\$20	1,500	5,600
\$4 × 5	\$20	1,500	5,600
(\$2 w/ 8X SYMBOL) + (\$2 × 2)	\$20	214.29	39,200
\$20	\$20	1,500	5,600
BOLT w/ (\$4 × 10)	\$40	2,400	3,500

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
BOLT w/ (( $\$10 \times 2$ ) + ( $\$4 \times 2$ ) + ( $\$2 \times 6$ ))	\$40	2,400	3,500
$\$8 \times 5$	\$40	12,000	700
(( $\$2$ w/ 8X SYMBOL) $\times 2$ ) + $\$8$	\$40	3,000	2,800
( $\$4$ w/ 8X SYMBOL) + ( $\$4 \times 2$ )	\$40	3,000	2,800
$\$5$ w/ 8X SYMBOL	\$40	3,000	2,800
$\$40$	\$40	6,000	1,400
BOLT w/ ( $\$8 \times 10$ )	\$80	8,000	1,050
BOLT w/ (( $\$20 \times 2$ ) + ( $\$5 \times 8$ ))	\$80	8,000	1,050
$\$8 \times 10$	\$80	12,000	700
( $\$5$ w/ 8X SYMBOL) $\times 2$	\$80	1,846	4,550
( $\$8$ w/ 8X SYMBOL) + ( $\$8 \times 2$ )	\$80	12,000	700
$\$10$ w/ 8X SYMBOL	\$80	2,000	4,200
$\$80$	\$80	12,000	700
BOLT w/ ( $\$10 \times 10$ )	\$100	12,000	700
BOLT w/ (( $\$20 \times 2$ ) + ( $\$8 \times 7$ ) + $\$4$ )	\$100	12,000	700
$\$10 \times 10$	\$100	120,000	70
(( $\$5$ w/ 8X SYMBOL) $\times 2$ ) + ( $\$8 \times 2$ ) + ( $\$2 \times 2$ )	\$100	120,000	70
( $\$8$ w/ 8X SYMBOL) + ( $\$4$ w/ 8X SYMBOL) + $\$4$	\$100	120,000	70
( $\$10$ w/ 8X SYMBOL) + ( $\$10 \times 2$ )	\$100	120,000	70
$\$100$	\$100	120,000	70
BOLT w/ ( $\$40 \times 10$ )	\$400	420,000	20
BOLT w/ (( $\$80 \times 4$ ) + ( $\$20 \times 2$ ) + ( $\$10 \times 4$ ))	\$400	420,000	20
$\$80 \times 5$	\$400	840,000	10
(( $\$20$ w/ 8X SYMBOL) $\times 2$ ) + (( $\$2$ w/ 8X SYMBOL) $\times 5$ )	\$400	420,000	20
( $\$40$ w/ 8X SYMBOL) + ( $\$5$ w/ 8X SYMBOL) + ( $\$8 \times 5$ )	\$400	420,000	20
( $\$40$ w/ 8X SYMBOL) + ( $\$10$ w/ 8X SYMBOL)	\$400	420,000	20
$\$400$	\$400	840,000	10
BOLT w/ ( $\$100 \times 10$ )	\$1,000	420,000	20
$\$1,000$	\$1,000	840,000	10
$\$18,000$	\$18,000	840,000	10

Reveal an "8X" (8TIMES) symbol, win 8 TIMES the prize shown under that symbol.

Reveal a "Bolt" (WINALL) symbol, win all 10 prizes shown!

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

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Electric 8s instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Electric 8s, prize money from winning Electric 8s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Electric 8s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Electric 8s or through normal communications methods.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-803. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Match 3 Tripler Instant Lottery Game 1644

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Match 3 Tripler (“Match 3 Tripler”). The game number is PA-1644.

2. *Price:* The price of a Match 3 Tripler instant lottery game ticket is \$5.

3. *Play symbols:* Each Match 3 Tripler instant lottery game ticket will contain one play area consisting of 12 “GAME” areas and a “MATCH 3 TRIPLER” spot. The “MATCH 3 TRIPLER” spot is played separately. The play symbols and their captions, located in the 12 “GAME” areas, are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRT), 3X (TRIPLE) symbol and a 333 (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the 12 “GAME” areas, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$3,000 (THR THO) and \$200,000 (TWOHUNTHO). The play/prize symbols and their captions, located in the

“MATCH 3 TRIPLER” spot, are: NOMULT (TRYAGAIN) symbol, TRYAGAIN (NOMULT) symbol, NOMULT (TRYAGAIN) symbol, TRYAGAIN (NOMULT) symbol, NOMULT (TRYAGAIN) symbol, TRYAGAIN (NOMULT) symbol, NOMULT (TRYAGAIN) symbol, \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY) and \$100 (ONE HUN).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$500, \$1,000, \$3,000 and \$200,000. Match 3 Tripler contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 13 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Match 3 Tripler instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$200,000 (TWOHUNTHO) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$200,000.

(b) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$3,000 (THR THO) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$500 (FIV HUN) appears in four of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in six of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,700.

(e) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol of \$300 (THR HUN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$900.

(g) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$850.

(h) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$500 (FIV HUN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the



“prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in six of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in six of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$350.

(k) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$300 (THR HUN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$300.

(l) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol of \$100 (ONE HUN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$300.

(m) Holders of tickets upon which a play/prize symbol of \$100 (ONE HUN) appears in the “MATCH 3 TRIPLER” spot, on a single ticket, shall be entitled to a prize of \$300.

(n) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in eight of the “prize” areas and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$300.

(o) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in 11 of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$270.

(p) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in 11 of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$210.

(q) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$150.

(r) Holders of tickets upon which a play/prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “MATCH 3 TRIPLER” spot, on a single ticket, shall be entitled to a prize of \$150.

(s) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$100 (ONE HUN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol \$30<sup>00</sup> (THIRTY) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$90.

(v) Holders of tickets upon which a play/prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “MATCH 3 TRIPLER” spot, on a single ticket, shall be entitled to a prize of \$90.

(w) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in two of the “prize” areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in nine of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$85.

(x) Holders of tickets upon which a 333 (WINALL) symbol appears in any “GAME” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$70.

(y) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol \$20<sup>00</sup> (TWENTY) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$60.

(z) Holders of tickets upon which a play/prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “MATCH 3 TRIPLER” spot, on a single ticket, shall be entitled to a prize of \$60.

(aa) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol \$15<sup>00</sup> (FIFTEEN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$45.

(cc) Holders of tickets upon which a play/prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “MATCH 3 TRIPLER” spot, on a single ticket, shall be entitled to a prize of \$45.

(dd) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$30.

(ee) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol \$10<sup>00</sup> (TEN DOL) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$30.

(ff) Holders of tickets upon which a play/prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “MATCH 3 TRIPLER” spot, on a single ticket, shall be entitled to a prize of \$30.

(gg) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$20.

(hh) Holders of tickets upon which three matching play symbols appear in the same “GAME” and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$15.

(ii) Holders of tickets upon which a 3X (TRIPLE) symbol appears in any “GAME” and a prize symbol \$5<sup>00</sup> (FIV DOL) appears in the “prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$15.

(jj) Holders of tickets upon which a play/prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "MATCH 3 TRIPLER" spot, on a single ticket, shall be entitled to a prize of \$15.

(kk) Holders of tickets upon which three matching play symbols appear in the same "GAME" and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(ll) Holders of tickets upon which three matching play symbols appear in the same "GAME" and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Reveal Three Like Numbers In The Same GAME, Win Prize Shown For That GAME. Win With:</i>	<i>"MATCH 3 TRIPLER SPOT":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5		\$5	9.84	1,098,000
\$5 × 2		\$10	40	270,000
\$10		\$10	37.5	288,000
\$5 × 3		\$15	600	18,000
\$10 + \$5		\$15	600	18,000
	\$5	\$15	60	180,000
\$5 w/ 3X		\$15	60	180,000
\$15		\$15	600	18,000
\$10 × 2		\$20	600	18,000
\$5	\$5	\$20	300	36,000
(\$5 w/ 3X) + \$5		\$20	300	36,000
\$20		\$20	600	18,000
\$5 × 6		\$30	600	18,000
\$5 × 3	\$5	\$30	600	18,000
\$5 w/ 3X	\$5	\$30	200	54,000
	\$10	\$30	300	36,000
\$10 w/ 3X		\$30	600	18,000
\$30		\$30	600	18,000
\$5 × 10		\$50	600	18,000
\$5	\$15	\$50	600	18,000
(\$5 w/ 3X) + \$5	\$10	\$50	600	18,000
(((\$5 w/ 3X) × 2) + \$5	\$5	\$50	600	18,000
\$50		\$50	600	18,000
333 SYMBOL w/ ((\$10 × 2) + (\$5 × 10))	\$10	\$100	1,200	9,000
333 SYMBOL w/ ((\$15 × 2) + (\$5 × 9) + \$10)	\$5	\$100	1,200	9,000
333 SYMBOL w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))		\$100	1,500	7,200
\$10 × 10		\$100	24,000	450
\$5 × 2	\$30	\$100	12,000	900
(\$15 w/ 3X) + (\$5 w/ 3X) + \$10	\$10	\$100	12,000	900
(\$20 w/ 3X) + (\$5 × 2)	\$10	\$100	12,000	900
\$100		\$100	24,000	450
333 SYMBOL w/ ((\$10 × 11) + \$100)	\$30	\$300	2,667	4,050
333 SYMBOL w/ ((\$20 × 11) + \$50)	\$10	\$300	2,667	4,050
333 SYMBOL w/ ((\$30 × 8) + (\$15 × 4))		\$300	2,667	4,050
\$30 × 10		\$300	120,000	90

<i>Reveal Three Like Numbers In The Same GAME, Win Prize Shown For That GAME. Win With:</i>	<i>“MATCH 3 TRIPLER SPOT”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
$((\$5 \text{ w/ } 3X) \times 6) + (\$50 \times 3)$	\$20	\$300	120,000	90
$((\$10 \text{ w/ } 3X) \times 5) + (\$20 \times 2) + (\$10 \times 2)$	\$30	\$300	120,000	90
	\$100	\$300	24,000	450
\$100 w/ 3X		\$300	12,000	900
\$300		\$300	120,000	90
333 SYMBOL w/ $((\$50 \times 6) + (\$10 \times 4) + (\$5 \times 2))$	\$50	\$500	24,000	450
333 SYMBOL w/ $((\$100 \times 4) + (\$20 \times 2) + (\$10 \times 6))$		\$500	24,000	450
\$100 $\times$ 5		\$500	120,000	90
$((\$30 \text{ w/ } 3X) \times 5) + (\$10 \times 2)$	\$10	\$500	120,000	90
$(\$50 \text{ w/ } 3X) + (\$10 \times 5)$	\$100	\$500	120,000	90
$(\$100 \text{ w/ } 3X) + (\$50 \text{ w/ } 3X) + (\$5 \times 4)$	\$10	\$500	120,000	90
\$500		\$500	120,000	90
333 SYMBOL w/ $((\$100 \times 8) + (\$20 \times 2) + (\$5 \times 2))$	\$50	\$1,000	1,080,000	10
$(\$300 \text{ w/ } 3X) + (\$5 \times 2)$	\$30	\$1,000	1,080,000	10
\$1,000		\$1,000	1,080,000	10
333 SYMBOL w/ $((\$500 \times 4) + (\$100 \times 6) + (\$50 \times 2))$	\$100	\$3,000	1,080,000	10
\$1,000 w/ 3X		\$3,000	2,160,000	5
\$3,000		\$3,000	2,160,000	5
\$200,000		\$200,000	1,080,000	10

Reveal a “3X” (TRIPLE) symbol in any GAME, TRIPLE the prize shown for that GAME.

Reveal a “333” (WINALL) symbol in any GAME, win all 12 prizes shown!

Scratch the 3 in MATCH 3 TRIPLER. Reveal a cash prize amount, win TRIPLE that amount instantly! MATCH 3 TRIPLER spot played separately.

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

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Match 3 Tripler instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after

the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Match 3 Tripler, prize money from winning Match 3 Tripler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Match 3 Tripler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Match 3 Tripler or through normal communications methods.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-804. Filed for public inspection June 16, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Million Dollar Cashfall Instant Lottery Game 1643

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million Dollar Cashfall (“Million Dollar Cashfall”). The game number is PA-1643.

2. *Price:* The price of a Million Dollar Cashfall instant lottery game ticket is \$20.

3. *Play symbols:* Each Million Dollar Cashfall instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and four “BONUS” spots. The four “BONUS” spots are each played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Fistful of Cash (CASH) symbol, Moneybag (WIN500) symbol and a CASHFALL (WINALL) symbol. The play symbols and their captions, located in the four “BONUS” spots, are: Gold Bar (TRYAGAIN) symbol, Vault (NOBONUS) symbol, Stack of Coins (TRYAGAIN) symbol, Lock (NOBONUS) symbol, Crown (TRYAGAIN) symbol, Treasure Chest (NOBONUS) symbol, Ring (TRYAGAIN) symbol, Key (NOBONUS) symbol, Bank (TRYAGAIN) symbol and an Arrow (ARROW) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL). The prize

symbols and their captions, located in the four “BONUS” spots, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in the four “BONUS” spots, are: \$20, \$30, \$50, \$100, \$200, \$400, \$500 and \$1,000. A player can win up to 24 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the Million Dollar Cashfall instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10,000 (TEN THO) appears in nine of the “Prize” areas, a prize symbol of \$1,000 (ONE THO) appears in eight of the “Prize” areas, a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas, a prize symbol of \$400 (FOR HUN) appears in one of the “Prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$99,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in all 20 of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in all 20 of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$8,000.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

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

(i) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all 20 of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in five of the "Prize" areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in 15 of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$700.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which a Moneybag (WIN500) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Moneybag (WIN500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in three of the "Prize" areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in 16 of the "Prize" areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which a Fistful of Cash (CASH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that Fistful of Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$400.

(s) Holders of tickets upon which a CASHFALL (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all 20 of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(t) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which a Fistful of Cash (CASH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that Fistful of Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$200.

(v) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$200.

(w) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which a Fistful of Cash (CASH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Fistful of Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which a Fistful of Cash (CASH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Fistful of Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(dd) Holders of tickets upon which a Fistful of Cash (CASH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area under that Fistful of Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$30.

(ee) Holders of tickets upon which an Arrow (ARROW) symbol appears in any of the "BONUS" spots and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$30.

(ff) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which a Fistful of Cash (CASH) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area under that Fistful of Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(hh) Holders of tickets upon which an Arrow (ARROW)

symbol appears in any of the "BONUS" spots and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win PRIZE Shown Under The Matching Number. Win With:</i>	<i>"BONUS SPOTS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
	\$20 w/ ARROW	\$20	20	360,000
\$20 w/ FISTFUL OF CASH		\$20	60	120,000
\$20		\$20	33.33	216,000
	\$30 w/ ARROW	\$30	30	240,000
\$30 w/ FISTFUL OF CASH		\$30	30	240,000
\$30		\$30	75	96,000
\$30 + \$20		\$50	300	24,000
\$20	\$30 w/ ARROW	\$50	100	72,000
\$30 w/ FISTFUL OF CASH	\$20 w/ ARROW	\$50	100	72,000
	\$50 w/ ARROW	\$50	150	48,000
\$50 w/ FISTFUL OF CASH		\$50	30	240,000
\$50		\$50	300	24,000
\$20 × 5		\$100	300	24,000
\$50 × 2		\$100	300	24,000
\$20 × 4	\$20 w/ ARROW	\$100	300	24,000
(\$30 w/ FISTFUL OF CASH) + (\$20 w/ FISTFUL OF CASH)	\$50 w/ ARROW	\$100	150	48,000
\$50 w/ FISTFUL OF CASH	(\$30 w/ ARROW) + (\$20 w/ ARROW)	\$100	150	48,000
	\$100 w/ ARROW	\$100	150	48,000
\$100 w/ FISTFUL OF CASH		\$100	300	24,000
\$100		\$100	300	24,000
\$50 × 4		\$200	12,000	600
\$100 × 2		\$200	12,000	600
(\$20 × 6) + \$30	\$50 w/ ARROW	\$200	3,000	2,400
(((\$20 w/ FISTFUL OF CASH) × 3) + (\$20 × 2))	(((\$30 w/ ARROW) × 2) + (((\$20 w/ ARROW) × 2))	\$200	2,400	3,000
\$100 w/ FISTFUL OF CASH	(\$50 w/ ARROW) × 2	\$200	3,000	2,400
	\$200 w/ ARROW	\$200	3,000	2,400
\$200 w/ FISTFUL OF CASH		\$200	3,000	2,400
\$200		\$200	12,000	600
CASHFALL w/ (\$20 × 20)		\$400	1,200	6,000
\$200 × 2		\$400	120,000	60
(\$50 × 3) + (\$30 × 5) + (\$20 × 2)	(\$30 w/ ARROW) × 2	\$400	24,000	300
(((\$100 w/ FISTFUL OF CASH) × 2) + (((\$50 w/ FISTFUL OF CASH) × 2) + \$50	\$50 w/ ARROW	\$400	24,000	300

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win PRIZE Shown Under The Matching Number. Win With:</i>	<i>"BONUS SPOTS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
(\$200 w/ FISTFUL OF CASH) + (\$20 × 5)	(\$50 w/ ARROW) + (\$30 w/ ARROW) + (\$20 w/ ARROW)	\$400	24,000	300
	\$400 w/ ARROW	\$400	24,000	300
\$400 w/ FISTFUL OF CASH		\$400	120,000	60
\$400		\$400	120,000	60
CASHFALL w/ (\$20 × 20)	(((\$30 w/ ARROW) × 2) + (((\$20 w/ ARROW) × 2))	\$500	1,333	5,400
CASHFALL w/ ((\$50 × 3) + (\$20 × 16) + \$30)		\$500	1,333	5,400
\$100 × 5		\$500	120,000	60
(((\$100 w/ FISTFUL OF CASH) × 3) + (\$50 × 3)	\$50 w/ ARROW	\$500	60,000	120
	\$500 w/ ARROW	\$500	120,000	60
\$500 w/ MONEYBAG		\$500	521.74	13,800
\$500		\$500	120,000	60
CASHFALL w/ ((\$50 × 5) + (\$30 × 15))	(((\$100 w/ ARROW) × 2) + (((\$50 w/ ARROW) × 2))	\$1,000	12,000	600
CASHFALL w/ (\$50 × 20)		\$1,000	12,000	600
(\$500 w/ MONEYBAG) + (((\$100 w/ FISTFUL OF CASH) × 2) + (\$20 × 10)	(\$50 w/ ARROW) + (\$30 w/ ARROW) + (\$20 w/ ARROW)	\$1,000	24,000	300
\$500 w/ MONEYBAG	\$500 w/ ARROW	\$1,000	24,000	300
(\$500 w/ MONEYBAG) × 2		\$1,000	12,000	600
\$1,000 w/ FISTFUL OF CASH		\$1,000	60,000	120
\$1,000		\$1,000	60,000	120
CASHFALL w/ (\$400 × 20)	(((\$400 w/ ARROW) × 2) + (\$1,000 w/ ARROW) + (\$200 w/ ARROW)	\$10,000	1,440,000	5
CASHFALL w/ (\$500 × 20)		\$10,000	1,440,000	5
(\$500 w/ MONEYBAG) × 15	(((\$1,000 w/ ARROW) × 2) + (\$400 w/ ARROW) + (\$100 w/ ARROW)	\$10,000	1,440,000	5
\$10,000		\$10,000	1,440,000	5
CASHFALL w/ ((\$10,000 × 9) + (\$1,000 × 8) + \$500 + \$400 + \$100)	(((\$50 w/ ARROW) × 2) + (\$500 w/ ARROW) + (\$400 w/ ARROW)	\$100,000	1,440,000	5
\$100,000		\$100,000	1,440,000	5
\$1,000,000		\$1,000,000	1,440,000	5

Reveal a "Fistful of Cash" (CASH) symbol, win PRIZE shown under that symbol automatically.

Reveal a "Moneybag" (WIN500) symbol, win \$500 instantly.

Reveal a "CASHFALL" (WINALL) symbol, win ALL 20 PRIZES shown!

BONUS: Reveal an "Arrow" (ARROW) symbol in any BONUS spot, win prize shown under that symbol automatically! BONUS spots are played separately.

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

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Million Dollar Cashfall instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of the Million Dollar Cashfall, prize money from winning Million Dollar Cashfall instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Million Dollar Cashfall instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Million Dollar Cashfall or through normal communications methods.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-805. Filed for public inspection June 16, 2023, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Management Directive No. 535.09—Information Technology Security Trainings, Amended May 3, 2023.

Administrative Circular No. 23-12—Commonwealth Telephone Directory, Dated May 15, 2023.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 23-806. Filed for public inspection June 16, 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 July 3, 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 July 3, 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](http://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-2023-3033570. Compassion Transport, LLC** (522 Grant Street, Hazelton, Luzerne County, PA 18201) in paratransit service to transport school aged children and other authorized personnel to and from schools within the County of Luzerne.

**A-2023-3039647. All The Way Limo, LLC** (2515 North Front Street, Harrisburg, Dauphin County, PA 17110) in limousine service, from points in the Counties of Adams, Allegheny, Beaver, Berks, Bucks, Butler, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Erie, Juniata, Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Montgomery, Northampton, Perry, Schuylkill, Washington and York, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3040635. ASAP Transportation, Inc.** (45 Terry Drive, Trevose, Bucks County, PA 19053) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return.



**A-2023-3040739. Priscilla S. Beiler** (2441 Renovo Road, Mill Hall, Clinton County, PA 17751) to transport, as a common carrier, by motor vehicle, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Centre, Clinton and Lancaster, to points in Pennsylvania, and return. *Attorney:* Nevin D. Beiler, Esq., 105 South Hoover Avenue, New Holland, PA 17557.

**A-2023-3040823. Mohammad Hassan** (637 Magee Avenue, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Berks, Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

**A-2023-3040827. Lauren David Enterprises, LLC, t/a Call Dave!** (5047 Wynnewood Road, Harrisburg, Dauphin County, PA 17109) in airport transfer service, from points in Berks County, to the Philadelphia International Airport, and vice versa.

**A-2023-3040924. Eyebrow, Inc., t/a The Bog Limo** (341 Adams Avenue, 2nd Floor, Scranton, Lackawanna County, PA 18501) in limousine service, from points in Lackawanna County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3040975. Anna's Angel Transportation, LLC** (5819 Forward Avenue, Pittsburgh, Allegheny County, PA 15217) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency medical paratransit service, between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland.

**A-2023-3041047. Sarah Car Care, Inc.** (7147 Lynford Street, Philadelphia, Philadelphia County, PA 19149-1113) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2023-3041084. OM Jai Parvati, LLC, t/a PA Care Transportation** (320 South Broad Street, Lansdale, Montgomery County, PA 19446) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware, Lehigh and Northampton, and the City and County of Philadelphia, and to and from Shanti Gardens Adult Day Care and Penn Gardens Adult Day Services in Bucks and Montgomery Counties, to points in Pennsylvania, and return.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-2023-3041033. Blair County Community Action Program** (2301 Beale Avenue, Altoona, Blair County, PA 16601) for the discontinuance and cancellation of its right, to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in Blair County, to points in Pennsylvania, and return, as originally docketed at A-2016-2568410.

**A-2023-3041052. All the Way Transportation, LLC** (2515 North Front Street, Harrisburg, Dauphin County, PA 17110) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6420755, persons in limousine

service, from points in the Counties of Adams, Allegheny, Beaver, Berks, Bucks, Butler, Carbon, Chester, Columbia, Cumberland, Delaware, Erie, Juniata, Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Montgomery, Northampton, Perry, Schuylkill, Washington and York, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3041108. Roadrunner Express, Inc.** (21 Millside Drive, Wilmington, DE 19801) for the discontinuance and cancellation of its right, to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service under the jurisdiction of the Philadelphia Parking Authority, as more thoroughly described in the original ordering paragraph at A-00113274.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-807. Filed for public inspection June 16, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due July 3, 2023, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Frazier & Walton Transportation, LLC; Doc. No. C-2023-3037740

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Frazier & Walton Transportation, LLC, Respondent, maintains a principal place of business at 82 Brookside Street, Wilkes-Barre, PA 18705.

2. On, January 20, 2023, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925865. Respondent was further advised "Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspen-

sion of operating rights or cancellation of authority. Title 52 of the *Pennsylvania Code* may be accessed on the World Wide Web at [www.pacode.com](http://www.pacode.com).”

3. PUC Enforcement Officer Barry Pacovsky attempted from February 2, 2023, through March 17, 2023, to contact Respondent without success. Officer Pacovsky sent a request to contact letter on February 9, 2023, with no response.

4. On March 7, 2023, a certified and a first-class letter was sent to the carrier with a request to contact, which was returned to the Scranton Regional Office.

5. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa. Code § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. Code § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925865.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued Frazier & Walton Transportation, LLC, at PUC utility code no. 8925865.

Respectfully submitted,  
Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 25 April 2023

Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Or, e-mailed to: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 23-808. Filed for public inspection June 16, 2023, 9:00 a.m.]

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

### Application of Gerald Taylor for Reinstatement of Teaching Certificates; Doc. No. RE-23-007

#### Notice of Opportunity to Intervene or Protest, or Both

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Gerald Taylor for reinstatement of his teaching certificates.

Gerald Taylor filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Gerald Taylor waived his right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will directly consider the application at a public meeting of the Commission. An interested party wishing to participate in this proceeding must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. A person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protests shall be filed with Shane Crosby, Executive Director of the Professional Standards and Practices Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate, contact April Rivera at

(717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,  
*Executive Director*

[Pa.B. Doc. No. 23-809. Filed for public inspection June 16, 2023, 9:00 a.m.]

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