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Department of Health

Department of Human Services

Environmental Quality Board

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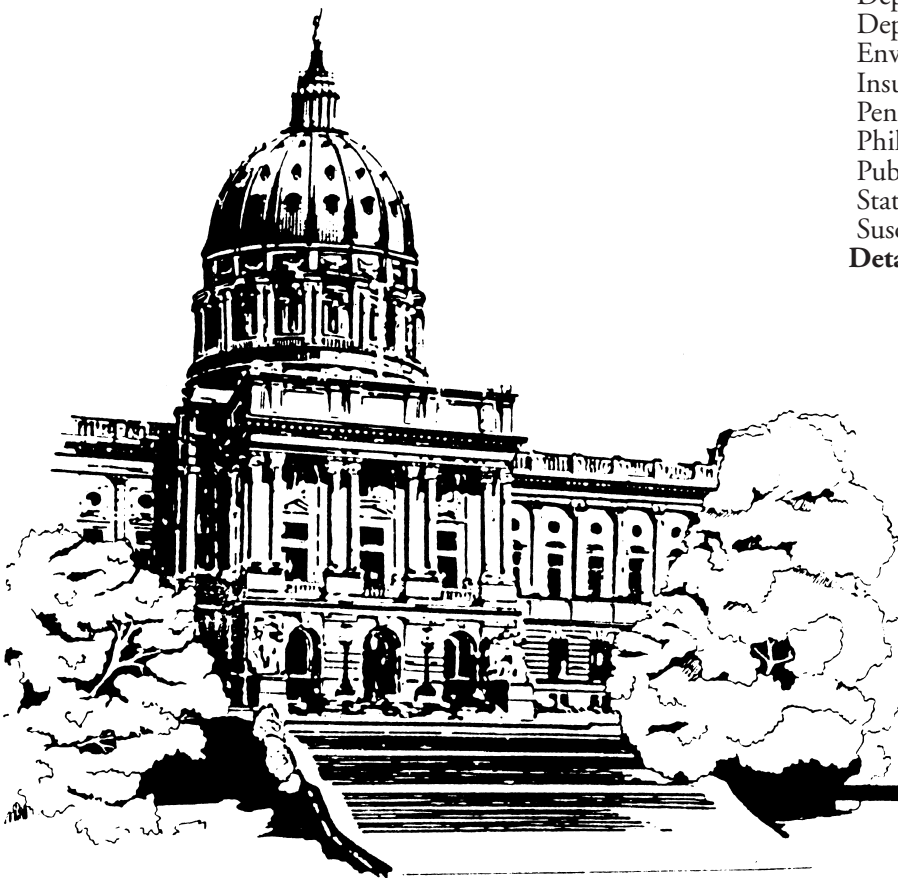
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Public School Employees' Retirement Board

State Conservation Commission

Susquehanna River Basin Commission

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

No. 583, June 2023

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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THE GOVERNOR

GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

June 12, 2023

Whereas, on June 11, 2023, a tanker truck fire erupted underneath a northbound and southbound bridge on Interstate 95 in Philadelphia City, Philadelphia County; and

Whereas, the fire led to the collapse of the northbound bridge and severe compromise of the southbound bridge; and

Whereas, the subsequent closing of the northbound and southbound lanes of Interstate 95 has created serious disruption to transportation and commerce; and

Whereas, in addition to the economic impacts, there is concern for the public safety and well-being of all individuals in the vicinity of the incident; and

Whereas, Philadelphia and surrounding political subdivisions are experiencing adverse impacts, including ongoing traffic disruption in and around the scene of the incident; and

Whereas, these adverse impacts are of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

Whereas, it is necessary to take immediate steps to provide for the reopening of the northbound and southbound lanes on Interstate 95 and to repair or reconstruct the bridges.

Now Therefore, pursuant to Article IV, Section 20 of the Pennsylvania Constitution, I do hereby proclaim the existence of a general disaster emergency in Philadelphia County and authorize and direct that the Pennsylvania Emergency Management Agency Director, or designee, assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director, or designee, utilize all available powers, resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event pursuant to the provisions of the Emergency Management Services Code, Title 35, Part V of Pennsylvania's Consolidated Statutes. 35 Pa.C.S. § 7101, et seq.

Further, I hereby transfer \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer \$5,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929, P.L. 343, No. 176 (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

Further, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa.C.S. § 516; and

Further, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event as deemed necessary, and to augment it with personnel from other Commonwealth agencies and departments. I also authorize the Pennsylvania Emergency Management Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other Commonwealth agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that he deems necessary, to ensure that all property, roads and highways in the areas that may be affected by the emergency event are cleared of debris or any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs, maintenance, reconstruction, construction and clearing and removal of debris or obstructions from non-state-owned property, roads or highways, if necessary. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

Further, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Pennsylvania State Police, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate and other federal and state highways in the Commonwealth to address this emergency event; and

Further, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

THE GOVERNOR

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this twelfth day of June two thousand twenty-three, the year of the Commonwealth the two hundred forty-seventh.

A handwritten signature in black ink, appearing to be 'Dan Rouse', with a long horizontal stroke extending to the right.

Governor

[Pa.B. Doc. No. 23-810. Filed for public inspection June 23, 2023, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending Rule 14.8 of the Pennsylvania Rules of Orphans' Court Procedure; No. 948 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 12th day of June, 2023, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been published for public comment at 52 Pa.B. 5119 (August 20, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 14.8 of the Pennsylvania Rules of Orphans' Court Procedure is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on April 1, 2024.

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

Deletions from the rules are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule 14.8. Guardianship Reporting, Monitoring, Review, and Compliance.

(a) *Reporting.* A guardian shall file the following reports with the clerk:

(1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;

(2) An annual report by the guardian of the estate of an incapacitated person one year after appointment and annually thereafter;

(3) An annual report by the guardian of the person one year after appointment and annually thereafter;

(4) A final report by the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity, a change of guardian, or the expiration of an order of limited duration; and

(5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.

[Note: See Pa.R.J.A. No. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.]

(b) *Notice of Filing.* If, pursuant to Rule 14.7(a)(1)(iv), the order appointing the guardian identifies the person or persons entitled to receive notice of the filing of any

report set forth in [**paragraph (a)**] **subdivision (a)**, the guardian shall serve a notice of filing within ten days after filing a report using the form provided in the Appendix to these Rules. Service shall be in accordance with Rule 4.3.

(c) *Design of Forms.* The Court Administrator of Pennsylvania, in consultation with the Orphans' Court Procedural Rules Committee and the Advisory Council on Elder Justice in the Courts, shall design and publish forms necessary for the reporting requirements set forth in [**paragraph (a)**] **subdivision (a)**.

(d) *Monitoring.* The clerk or the court's designee shall monitor the guardianship docket to confirm the guardian's compliance with the reporting requirements set forth in [**paragraph (a)**] **subdivision (a)**.

(e) *Review.* The court or its designee shall review the filed reports.

(f) *Compliance.* To ensure compliance with these reporting requirements:

(1) If any report is deemed incomplete or is more than 20 days delinquent, then the clerk or the court's designee shall serve notice on the guardian directing compliance within 20 days, with a copy of the notice sent to the court and the guardian's counsel, if represented.

(2) If the guardian fails to comply with the reporting requirements within 20 days of service of the notice, then the clerk or the court's designee shall file and transmit a notice of deficiency to the adjudicating judge and serve a notice of deficiency on those persons named in the court's order pursuant to Rule 14.7(a)(1)(iv) as being entitled to receive a notice of filing.

(3) The court may thereafter take such enforcement procedures as are necessary to ensure compliance.

(4) After reasonable enforcement procedures by the court have been unsuccessful, the court shall enter an order that:

(i) includes an explanation of the actions taken by the court to attempt enforcement of the filing requirements;

(ii) includes clearly enumerated reasons why the guardian or former guardian has not been compelled to comply with any filing requirements; and either

(A) directs that a successor guardian or designee of the court file the delinquent filing with the clerk and it shall be docketed as such by the clerk; or

(B) directs the order issued by the court to be docketed by the clerk in lieu of the delinquent filing.

[Explanatory] Comment:

See Pa.R.J.A. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.

The reporting forms are available at <http://www.pacourts.us/forms/for-the-public/orphans-court-forms>. This Rule is silent as to the manner of proceeding when reports are deficient or warrant further investigation, or when the guardian is recalcitrant after being given notice by the clerk or the court's designee. In its discretion, the court may order further documentation, conduct a review hear-

ing, or take further action as may be deemed necessary, including, but not limited to, removal of the guardian or contempt proceedings. **If those efforts are unsuccessful, the court shall proceed as set forth in subdivision (f)(4).**

As used in subdivision (f)(4)(ii)(A), a “designee of the court” is an individual who is: (1) knowledgeable about the incapacitated person and the contents of the report; and (2) appointed by the court for the sole purpose of filing the delinquent report that the guardian or successor guardian is unable or unwilling to file. An attorney, accountant, or agent of the guardian or former guardian may have the requisite knowledge to serve in this capacity.

ORPHANS’ COURT PROCEDURAL RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.O.C.P. 14.8

On June 12, 2023, the Supreme Court of Pennsylvania amended Pennsylvania Orphans’ Court Rule of Procedure 14.8 governing guardianship reporting. The Orphans’ Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Pa.R.O.C.P. 14.8, relating to guardianship reporting, monitoring, review, and compliance, reflects the statutory requirements of 20 Pa.C.S. §§ 5142, 5521, and 5921. These requirements include: (1) the filing of an annual report by the guardian of the estate and the guardian of the person one year after appointment and annually thereafter; and (2) a final report by the guardian of the estate and the guardian of the person following certain events. See 20 Pa.C.S. § 5521(c); Pa.R.O.C.P. 14.8(a).

The clerk of the orphans’ court, or the court’s designee, is required to monitor the guardianship docket to ensure compliance with reporting requirements for annual and final reports. See 20 Pa.C.S. § 5521(c)(1)-(2); Pa.R.O.C.P. 14.8(d). If a report is deficient or not timely filed, the guardian receives notice to comply with the reporting requirements. See Pa.R.O.C.P. 14.8(f)(1). If the guardian continues to fail to comply, a notice of deficiency is transmitted to the judge. See 20 Pa.C.S. § 5521(c)(3); Pa.R.O.C.P. 14.8(f)(2). “The court *may* thereafter take such enforcement procedures as are necessary to ensure compliance.” Pa.R.O.C.P. 14.8(f)(3) (emphasis added), compare 20 Pa.C.S. § 5521(c)(3) (“The court *shall* take appropriate enforcement action against such guardians.”) (emphasis added). Such actions could include, in the court’s discretion, ordering further documentation, conducting a review hearing, removing the guardian, or initiating contempt proceedings. Pa.R.O.C.P. 14.8, cmt.

The Committee received a request relating to delinquent annual or final reports and available compliance measures under Pa.R.O.C.P. 14.8(f). Specifically, it was observed there are situations when enforcement actions are unable to compel a guardian responsible for filing a report to comply with that requirement or enforcement actions are unsuccessful. For example, the guardian may be deceased, incapacitated, beyond the court’s jurisdiction, or otherwise unavailable. There also may be circumstances when the guardian is unwilling to comply despite the imposition of the court’s contempt power. With this latter illustration, the guardian may be a family member of the incapacitated person and escalating or extending

sanctions against the guardian may not be in the best interest of the incapacitated person. Notwithstanding the absence of a report, a recalcitrant guardian may still be subject to criminal prosecution or surcharge through other proceedings.

When the court appoints a successor guardian, the successor may be unable to complete and verify the required report because of incomplete record keeping by the prior guardian. However, the successor guardian of an estate would be required to file an inventory within 90 days of appointment so there is assurance that the status of current estate will be known and subject to comparison with prior reports.

Subdivision (f) was silent on what is to occur if a required report cannot be filed for the covered period. New subdivision (f)(4) authorizes the court to enter an order citing the reasons a guardian or former guardian cannot be compelled to comply with any filing requirements and either directing a successor guardian or designee of the court to file the report or entering the order in lieu of the delinquent report.

The Committee anticipates that subdivision (f)(4)’s “order in lieu of report” will be used sparingly given efforts to appoint qualified guardians and to educate guardians as to their responsibilities.

The proposal was published for comment. See 52 Pa.B. 5119 (August 20, 2022). No comments were received. Commentary was added to the rule post-publication to provide guidance regarding the term “designee of the court,” as used in subdivision (f)(4)(ii)(A).

This amendment becomes effective April 1, 2024.

[Pa.B. Doc. No. 23-811. Filed for public inspection June 23, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LYCOMING COUNTY

Amendment to the Rules of Civil Procedure; Doc. Number: CV 2023-00001

Order

And Now, this 22nd day of May, 2023, it is hereby *Ordered and Directed* as follows:

- 1) New Lycoming County Rule of Civil Procedure L205.4 is promulgated, as set forth on the following.
- 2) The Prothonotary is directed to do the following:
 - a) File one (1) copy of this order with the Administrative Office of Pennsylvania Courts;
 - b) Distribute two (2) copies and a computer disk of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and
 - c) Forward one (1) copy of this order to the chairperson of the Lycoming County Customs and Rules Committee.
- 3) The chairperson of the Lycoming County Custom and Rules Committee is directed to do the following:
 - a) Publish the revised rules on the Lycoming Law Association website at <https://www.lycolaw.org/rules-contents>; and
 - b) Compile the rule revisions within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

4) The new rule shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

By the Court

NANCY L. BUTTS,
President Judge

L205.4. Electronic Filing and Service of Legal Papers.

A. Electronic Filing.

1. All legal papers as defined by Pa.R.C.P. 205.4(a)(2) associated with the civil case types listed in A.2. below may be filed electronically.

2. *Case Types.* Electronic filing is allowed in the following case types:

(a) Tort (intentional, malicious prosecution, motor vehicle, nuisance, premises liability, product liability, slander/libel, defamation, and other);

(b) Mass tort (asbestos, tobacco, toxic tort, toxic waste, and other);

(c) Professional liability (dental, legal, medical, and other);

(d) Contract (buyer protection, debt collection—credit card; employment dispute, employment dispute—discrimination, and other);

(e) Real property (buyer protection, ejectment, eminent domain/condemnation, ground rent, landlord/tenant dispute (excluding MDJ appeals), mortgage foreclosure, partition, quiet title, and other);

(f) Statutory appeals (board of assessment, board of elections, zoning appeal, and other);

(g) Miscellaneous (common law/statutory arbitration, declaratory judgment, mandamus, quo warranto, replevin, and other).

(h) Municipal and tax claims/liens;

(i) Liens (Commonwealth, broker's, federal, mechanics, municipal);

(j) Judgments (amended, by transcript (Magisterial District Judge), confession, default, deficiency, enforcement, revival, satisfaction, and transfer);

(k) Arbitration appeals;

(l) Writ of scire facias;

(m) Writ of revival;

(n) Civil subpoenas; and

(o) Civil appeals to Supreme, Commonwealth and Superior Courts.

3. *Registration.* Electronic filers must register with the prothonotary's designated electronic filing management system in accordance with the user manual. All registered users shall be individuals, not law firms, agencies, corporations, or other groups.

4. *Original document.* A legal paper filed electronically shall be deemed to be the original document but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes.

B. Form of Documents Electronically Filed.

1. *Format.* To the extent practicable, documents shall be formatted in accordance with the applicable rules governing formatting of paper documents. All electronic filings shall be in Portable Document Format ("PDF").

2. *Document Title.* The title of each electronically filed document shall match the title of the docket entry.

3. *Signature.* Each electronically filed document shall be deemed to have been signed by the attorney, or party not represented by an attorney, authorizing such filing and shall bear a facsimile or typographical signature of such person, e.g. "/s/ Adam Attorney." Each document electronically filed shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document.

C. Public Access to the Docket.

1. Public access to the prothonotary's civil case dockets shall be available on the Internet at www.lyco.org/Elected-Officials/Prothonotary-Clerk-of-Courts

2. The prothonotary shall make a public access terminal available to the general public, to allow access to the electronic case records.

D. Filing Fees.

1. All filing fees and payments shall be made at the time of filing with an authorized credit card through the prothonotary's designated electronic filing management system. Authorized cards shall include Visa, MasterCard or Discover. Filing fees and payments may not be deposited in advance with the prothonotary. Any document for which a fee would otherwise be charged, that is accompanied by a praecipe or petition to proceed in forma pauperis, will be accepted for filing and time-stamped in accordance with Pa.R.C.P. No. 240(c) and (d).

2. The prothonotary may charge a convenience fee for the conversion of a legal paper or exhibit to PDF format for electronic filing.

E. Sealed Documents.

1. Documents intended to be filed under seal shall be designated by the filing party as "sealed" in the prothonotary's designated electronic filing management system. The filing party must submit a proper request for sealing documents in addition to making the designation.

2. The prothonotary will include the filing details and document title in the electronic filing system. The documents can be viewed only by the court, prothonotary office staff, and case participants, as applicable.

F. Time of electronic filing.

1. The prothonotary's designated electronic filing management system shall provide to the filer, using the email address registered by the filer, an email acknowledging that the filing was received. An official notification will also be displayed in the prothonotary's designated electronic filing management system, which includes the time and date, as a pending filing awaiting approval by the prothonotary. The prothonotary shall provide the filer with notification when the legal paper has been either accepted or rejected.

2. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the prothonotary's designated electronic filing management system.

Note: Access to the prothonotary's designated electronic filing management system shall be always available, except during routine maintenance; however, legal documents can only be reviewed by prothonotary staff during normal office hours. Filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and re-submission in the event a legal paper is not acceptable for filing.

3. The prothonotary will maintain one hard copy of documents that are filed electronically.

G. *Service of Legal Papers.*

1. Once electronically filed original process has been accepted by the prothonotary, it shall be the responsibility of the filing party to provide to the sheriff the proper service fee and documents for service.

2. Service of all other documents shall be by the filing party, in accordance with the rules of civil procedure.

H. *Obligation of Registered Electronic Filing Users to Maintain Proper Contact Information.* Parties or attorneys who register to use prothonotary's designated electronic filing management system shall provide notification within ten days of any change in firm name, address, fax number, or email address.

[Pa.B. Doc. No. 23-812. Filed for public inspection June 23, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 92a]

National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance

The Environmental Quality Board (Board) amends Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) to amend § 92a.51(a) (relating to schedules of compliance) to allow for the implementation of Long-Term Control Plans (LTCP) for combined sewer overflow (CSO) dischargers to achieve State water quality standards (WQS) by a period that may exceed 5 years, but that may not exceed the implementation period specified in an approved LTCP.

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

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Sean M. Furjanic, PE, Environmental Program Manager, Bureau of Clean Water, P.O. Box 8774, Rachel Carson State Office Building, Harrisburg, PA 17105-8774, (717) 787-2137, or Adam Duh, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105, (717) 783-8261. Information regarding submitting comments on this proposal appears in section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of November 15, 2022).

C. *Statutory Authority*

This final-form rulemaking is authorized under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorize the Board to promulgate rules and regulations necessary for the Department to perform its work.

D. *Background and Purpose*

Many municipalities across this Commonwealth have combined sewer systems (CSS), in which sewage and stormwater are collected and conveyed together during precipitation events. Depending on factors such as the intensity of a precipitation event, the flow in CSSs may exceed the dry weather carrying capacity of those systems, resulting in CSO discharges from the CSS to surface waters prior to reaching a wastewater treatment facility. Wet weather CSO discharges are authorized under the Federal Clean Water Act (33 U.S.C. §§ 1251—1389), the Commonwealth's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Chapter 92a, when approved under a National Pollutant Discharge Elimination System (NPDES) permit.

In 1994, the United States Environmental Protection Agency (EPA) issued its Combined Sewer Overflow Control Policy, 59 FR 18688 (April 19, 1994), that required implementation of nine minimum controls that all permittees with CSO discharges must implement, along with an LTCP to achieve WQS. In this Commonwealth, LTCPs are implemented through NPDES permits. Permittees have several options for achieving and demonstrating achievement of WQS in an LTCP. Each permittee must develop and submit an LTCP for approval by the Department, which is delegated to administer the Federal NPDES program in this Commonwealth.

A permittee's CSO discharges are presumed to be in non-compliance with WQS until an approved LTCP is implemented. Neither Federal regulations nor policy require that LTCPs be implemented and WQS be achieved by a specific date, other than within the shortest feasible period of time. Due to the scale of infrastructure modifications and financial commitments involved with implementing LTCPs, implementation schedules exceeding 20 years are common. However, prior to this final-form rulemaking, the Department's regulation at § 92a.51(a) required that any discharge not in compliance with WQS and effluent limitations or standards must achieve compliance as soon as practicable, but in no case longer than 5 years.

The EPA expressed concerns that the Department's practice of approving LTCP implementation schedules exceeding 5 years is inconsistent with the previous language in § 92a.51(a) that required compliance within 5 years for all dischargers. Consequently, the Department had paused reissuing NPDES permits for CSO dischargers with these longer LTCP implementation schedules until the inconsistency was resolved. To resolve the inconsistency and address the EPA's concerns, this final-form rulemaking amends § 92a.51(a) for NPDES permit schedules of compliance to allow the Department to approve permits for CSO dischargers with compliance schedules beyond the 5-year period established in the regulations, but not longer than the implementation period in the discharger's approved LTCP.

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

The Department's regulation at § 92a.51(a) authorizes schedules of compliance for existing discharges that are not in compliance with WQS or effluent limitations or standards. This regulation is more stringent than equivalent Federal regulations because the Department's regulation establishes a maximum period of time to come into compliance of 5 years (unless a court of competent jurisdiction issues an order allowing a longer time for compliance), while Federal regulations do not. CSO dischargers, however, typically require more than 5 years to implement LTCPs to achieve compliance with WQS due to the scale of infrastructure modifications and financial commitments needed to implement LTCPs. The Department has approved many LTCPs with implementation schedules exceeding 5 years.

This final-form rulemaking amends subsection (a) to allow compliance schedules for CSO dischargers to exceed 5 years, but not to exceed the period of implementation specified in an approved LTCP.

This final-form rulemaking will not result in any degradation of public health or environmental protection. Conversely, this final-form rulemaking is expected to

improve public health and the environment by allowing the Department to move forward with reissuing long overdue NPDES permits to CSO dischargers and incorporating new conditions to minimize the discharge of pollutants to surface waters. Ultimately, the revision recognizes the Department's longstanding practice of approving LTCPs with implementation schedules exceeding 5 years.

No changes have been made between the proposed rulemaking and this final-form rulemaking.

F. Summary of Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was published in the *Pennsylvania Bulletin* at 52 Pa.B. 361 (January 15, 2022), opening a 45-day public comment period that ended on March 1, 2022. One public hearing was held virtually on February 16, 2022, with no testimony offered by the public.

The Board received three sets of comments from the public as well as comments from the EPA's Region 3 office. The EPA's comments supported the rulemaking, noted that the rulemaking was in accordance with agreements between the EPA and the Department on how to address the issue, and discussed the procedural steps necessary to seek approval of the modified § 92a.51(a) as part of the Commonwealth's approved WQS.

One commentator opposed the proposed rulemaking because they believe it would extend and eliminate compliance schedules or allow for compliance periods on a case-by-case basis, and therefore perpetuate pollution. In response, this final-form rulemaking does not allow for an extension to compliance periods. The compliance period to implement LTCPs has always been proposed by CSO permittees and reviewed by the Department in light of the EPA's requirement that compliance be achieved in the shortest feasible period of time. Depending on a permittee's proposed solution to reduce or eliminate CSOs, the compliance period could range from a few years to a few decades. It is when the compliance period exceeds 5 years that the EPA believed the Department's approval of the schedule conflicted with § 92a.51(a) as written prior to the amendments in this final-form rulemaking. By amending § 92a.51(a) to recognize that LTCP implementation schedules may exceed 5 years, the Department can be authorized by the EPA to resume reissuing NPDES permits to CSO dischargers. This is important for public health and the environment because reissued permits will include updated milestones to keep permittees on track to achieve compliance with their overall LTCP implementation schedule. When permits are outdated, the milestone dates pass and there are no new milestones for permittees to adhere to.

One commentator noted that this regulatory change should not be a stepping stone for all NPDES-permitted dischargers to request longer compliance schedules. The Department is not providing an exception under § 92a.51(a) to any class of dischargers other than CSO dischargers and is doing so in the interests of public health and the environment.

One commentator supported the proposed rulemaking and stated their belief that schedules of compliance exceeding 5 years should also apply to systems other than CSSs. The Department is not making an exception for any other class of dischargers through this final-form rulemaking.

G. Benefits, Costs and Compliance

Benefits

NPDES permits have a fixed term not exceeding 5 years. If a timely application is submitted for reissuance of an NPDES permit, the permit may be administratively extended after the permit expiration date to allow a discharger to continue operating under the terms and conditions of the permit. The EPA has objected to or otherwise expressed concerns to the Department over the reissuance of NPDES permits for CSO dischargers because the EPA perceived that the Department's approval of LTCPs with implementation schedules longer than 5 years conflicted with § 92a.51(a) as written prior to this final-form rulemaking. As a result, there are many administratively extended NPDES permits for CSO dischargers across this Commonwealth. By amending § 92a.51(a) as described previously, the Department will be able to move forward with reissuing these permits, providing the Department the opportunity to update the permits to ensure the most up-to-date standards and pollution control measures are included in the permits, benefiting public health and the environment.

Compliance costs

This regulatory revision does not impose any additional costs on the regulated community.

Compliance assistance plan

A compliance assistance plan is not considered necessary for this final-form rulemaking.

Paperwork requirements

The amendment to Chapter 92a clarifies existing processes but does not add to or change the existing paperwork requirements for the submission of NPDES permit applications and Notices of Intent to the Department.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Pollution prevention is not applicable to this final-form rulemaking.

I. Sunset Review

The Board is not establishing a sunset date for this final-form rulemaking because it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (RRA) (71 P.S. § 745.5(a)), on January 4, 2022, the Department submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 361, and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House

and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the RRA (71 P.S. § 745.5a(j.2)), on May 17, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the RRA, this final-form rulemaking was deemed approved by IRRC effective May 17, 2023.

K. Findings of the Board

The Board finds that:

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

(2) A 45-day public comment period was provided and a public hearing was held as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 361.

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

L. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapter 92a, are amended by amending § 92a.51 as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

RICHARD NEGRIN,
Acting Chairperson

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

Fiscal Note: Fiscal Note 7-563 remains valid for the final adoption of the subject regulation.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 92a. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITTING, MONITORING AND COMPLIANCE

Subchapter C. PERMITS AND PERMIT CONDITIONS

92a.51. Schedules of compliance.

(a) With respect to an existing discharge that is not in compliance with the water quality standards and effluent limitations or standards in § 92a.44 or § 92a.12 (relating to establishing limitations, standards, and other permit conditions; and treatment requirements), the applicant shall be required in the permit to take specific steps to remedy a violation of the standards and limitations in accordance with a legally applicable schedule of compliance, in the shortest, reasonable period of time, the period to be consistent with the Federal Act. Except as otherwise set forth in this subsection, a schedule of compliance specified in the permit must require compliance with final enforceable effluent limitations as soon as practicable, but in no case longer than 5 years, unless a court of competent jurisdiction issues an order allowing a longer time for compliance. Compliance schedules granted to CSO dischargers may exceed 5 years but may not exceed the period of implementation specified in an approved long-term control plan (LTCP).

* * * * *

[Pa.B. Doc. No. 23-813. Filed for public inspection June 23, 2023, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Water Quality Standards; Dunbar Creek et al. Stream Redesignations

The Environmental Quality Board (Board) amends Chapter 93 (relating to water quality standards). This final-form rulemaking amends the drainage lists at §§ 93.9c, 93.9k, 93.9l, 93.9o, 93.9r, 93.9t and 93.9v as set forth in Annex A. The purpose of this final-form rulemaking is to update the designated uses so the surface waters of this Commonwealth are afforded the appropriate level of protection. This final-form rulemaking fulfills the Commonwealth's obligations under Federal and State law to review and revise, as necessary, water quality standards that are protective of surface waters.

This final-form rulemaking was adopted by the Board at its meeting of April 11, 2023.

A. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. Once approved by the United States Environmental Protection Agency (EPA),

water quality standards are used to implement the Federal Clean Water Act (CWA) (33 U.S.C. §§ 1251—1388).

B. *Contact Persons*

For further information, contact Michael (Josh) Lookenbill, Program Manager, Water Quality Division, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA, 17105-8774, (717) 787-9637, or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA, 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of April 11, 2023).

C. *Statutory Authority*

This final-form rulemaking is authorized under sections 5(b)(1) and 402 of The Clean Streams Law (CSL) (35 P.S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the CSL (35 P.S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, sections 101(a)(2) and 303(c)(2)(A) of the CWA (33 U.S.C. §§ 1251(a)(2) and 1313(c)(2)(A)) set forth requirements for water quality standards.

D. *Background and Purpose*

The purpose of developing water quality standards is to protect this Commonwealth's surface waters. Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMP)) on individual sources of pollution. Water quality standards include designated uses, numeric and narrative criteria to protect those uses, and antidegradation requirements for surface waters. The Commonwealth protects its surface waters for a variety of uses relating to aquatic life, water supply, recreation and fish consumption, special protection and navigation.

The continued development of water quality standards, including revisions and updates, is required by Federal and State law. Section 5 of the CSL (35 P.S. § 691.5) instructs the Department to consider water quality management and pollution control in the watershed as a whole, and the present and possible future uses of waters when adopting rules and regulations. In addition to these requirements, the Commonwealth has responsibilities under the CWA that require water quality standards to be reviewed and approved by the EPA for consistency with the mandates under that act. Section 101(a)(2) of the CWA (33 U.S.C. § 1251(a)(2)) establishes the National goal that, wherever attainable, water quality should provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. Section 303(c)(2)(A) of the CWA (33 U.S.C. § 1313(c)(2)(A)) requires water quality standards to include designated uses of waters, taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other purposes. Section 303(d)(4)(B) of the CWA (33 U.S.C. § 1313(d)(4)(B)) establishes an

antidegradation policy for waters where the quality of the water equals or exceeds levels necessary to protect the designated uses for these waters. Section 303(c)(1) of the CWA (33 U.S.C. § 1313(c)(1)) requires states to periodically review and revise, as necessary, their water quality standards. The designated uses included in this final-form rulemaking are consistent with these Federal and State statutory mandates.

The Department also has an obligation to protect existing uses when data indicates that a surface water attains or has attained an existing use. Section 93.1 (relating to definitions) defines "existing uses" as "those uses actually attained in the waterbody on or after November 28, 1975, whether or not they are included in the water quality standards." Where the existing uses are different than the designated uses for a surface water, the waterbody will receive the water quality protection identified by either the existing uses or the designated uses, whichever use is most protective.

For example, if the designated use of a stream is listed as Cold Water Fishes (CWF) but the Department's evaluation of available existing use information indicates that the water also attains the use of High Quality Waters (HQ), the stream would be protected for this HQ-CWF existing use through Department permit or approval actions. Section 93.4c (relating to implementation of antidegradation requirements) requires the Department to make a final determination of existing use protection for a surface water as part of a final permit or approval action. During the review of a permit application and draft permit, interested persons may provide the Department with additional information regarding existing use protection for the surface water. This additional information is considered prior to a final determination of existing use protection and is included in the draft stream evaluation reports that are published on the Department's web site for public review and comment.

In addition to existing use determinations made during a Department permit or approval process, stream use evaluations may be initiated in other ways. The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Other agencies may request use evaluations to be considered, and members of the public may submit a rulemaking petition to the Board in accordance with § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use). When an evaluation of the data demonstrates that existing uses are incongruent with the designated uses, a stream redesignation proposal will be initiated through the rulemaking process to ensure the designated uses in the drainage lists found in §§ 93.9a—93.9z are consistent with the existing uses of the stream.

By protecting the water uses, and the quality of the water necessary to maintain the uses, benefits may be gained in a variety of ways by all residents and visitors of this Commonwealth. For example, clean water used for drinking water supplies benefits the consumers by lowering drinking water treatment costs and reducing medical costs associated with drinking water-related illnesses. Clean surface waters benefit this Commonwealth by providing for increased tourism and recreational use of the waters. Clean water provides for increased wildlife habitat and more productive fisheries. Furthermore, clean water attracts businesses and industry that require a high quality of surface water for production or operation.

The purpose of this final-form rulemaking is to update the designated uses so that the surface waters of this Commonwealth are afforded the appropriate level of

protection. These amendments to the designated uses of streams benefit not only local residents but those persons from outside the areas affected by this final-form rulemaking who come to enjoy the benefits and aesthetics of outdoor recreation.

The amendments are the result of stream evaluations conducted by the Department in response to: petitions (Bear Run, Cranberry Creek, Two Lick Creek); a request from the Pennsylvania Fish and Boat Commission (PFBC) (Dunbar Creek); the Department's ongoing Statewide monitoring activities (Unnamed tributary (UNT) 08187 to South Branch Codorus Creek and Clyde Run); and an error identified in Chapter 93 (UNT 28168 to Oley Creek). The stream redesignations rely on the special protection qualifiers found at §§ 93.4b(a)(2)(i)(A), 93.4b(a)(2)(ii), 93.4b(b)(1)(iii), 93.4b(b)(1)(v) and 93.4b(b)(2) (relating to qualifying as High Quality or Exceptional Value Waters). The redesignations also include evaluation of the protected water uses specified in § 93.3 (relating to protected water uses) (UNT 08187 to South Branch Codorus Creek) and the less restrictive use qualifiers specified in § 93.4(b) (relating to Statewide water uses) (UNT 28168 to Oley Creek). The specific qualifiers applied for each of the stream redesignation recommendations are detailed in the individual stream evaluation reports available on the Department's web site. This final-form rulemaking was developed by the Bureau of Clean Water following a comprehensive evaluation of the physical, chemical and biological characteristics of these waterbodies and other information available on these waterbodies. The data and information evaluated support this final-form rulemaking as set forth in Annex A.

In addition to the changes to designated uses, the Board is correcting an error that was inadvertently introduced in a prior rulemaking to the drainage list in § 93.9c (relating to Drainage List C), published at 48 Pa.B. 866 (February 10, 2018). The correction clarifies that the mainstem and tributaries of Swiftwater Creek downstream of UNT 04960 continue to be designated as HQ-CWF, Migratory Fishes (MF).

The Board adopted the proposed rulemaking at its April 20, 2021, meeting, and it was published in the *Pennsylvania Bulletin* at 51 Pa.B. 4062 (July 31, 2021) with a 45-day public comment period that closed on September 14, 2021. The Board held one virtual public hearing on August 30, 2021, for the purpose of accepting comments on the proposed rulemaking. The Board received comments from 228 commentators, including testimony from three witnesses at the public hearing and a letter from the Independent Regulatory Review Commission (IRRC) indicating IRRC had no objections, comments or recommendations to offer on the regulation. The comments received on the proposed rulemaking are summarized in section F.

The Board has considered all public comments received on the proposed rulemaking in preparing this final-form rulemaking.

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

This final-form rulemaking amends the drainage lists at §§ 93.9c, 93.9k, 93.9l, 93.9o, 93.9r, 93.9t and 93.9v set forth in Annex A. The purpose of this final-form rulemaking is to update the designated uses so that the surface waters of this Commonwealth are afforded the appropriate level of protection. Other than a change to Drainage List L discussed as follows, there are no changes made to the amendments described as follows from the proposed rulemaking to this final-form rulemaking.

As part of this stream redesignation process and in accordance with § 93.4c, the Department offered opportunities for the public to provide data and information during the review of surface water uses prior to drafting the proposed rulemaking. The Department provided public notice of its intent to assess Bear Creek, Clyde Run, Cranberry Creek, Dunbar Creek, Two Lick Creek, UNT 28168 to Oley Creek and UNT 08187 to South Branch Codorus Creek and requested water quality data for these streams through publications in the *Pennsylvania Bulletin* as summarized in Table 1.

Table 1. *Pennsylvania Bulletin* publication dates for notices of stream evaluation.

<i>Stream Name</i>	<i>Pennsylvania Bulletin</i>	<i>Publication Date</i>
Bear Run	37 Pa.B. 4490	August 11, 2007
	46 Pa.B. 3328	June 25, 2016
Clyde Run	40 Pa.B. 5643	October 2, 2010
	44 Pa.B. 6149	September 27, 2014
Cranberry Creek	48 Pa.B. 5924	September 22, 2018
	30 Pa.B. 2071	April 22, 2000
Two Lick Creek	34 Pa.B. 1520	March 13, 2004
UNT 28168 to Oley Creek	45 Pa.B. 2676	May 30, 2015
UNT 08187 to South Branch Codorus Creek	42 Pa.B. 2539	May 12, 2012

Additionally, notices of the intent to assess these streams were posted on the Department's web site. The Department directly notified affected municipalities, planning commissions, conservation districts and Commonwealth agencies of these redesignation evaluations in letters dated as summarized in Table 2.

Table 2. Letters of notification to affected governmental organizations and agencies.

<i>Stream Name</i>	<i>Date of Letter</i>
Bear Run	May 22, 2007
	July 8, 2016
Clyde Run	November 5, 2010

<i>Stream Name</i>	<i>Date of Letter</i>
Cranberry Creek	September 15, 2017
Dunbar Creek	April 19, 2000
Two Lick Creek	March 2, 2004
UNT 28168 to Oley Creek	May 11, 2015
UNT 08187 to South Branch Codorus Creek	April 2, 2012

In response to these notifications, the Department received one letter in support of the redesignation for Bear Run. The Department received no additional water quality data for Bear Run, Clyde Run, Dunbar Creek, Two Lick Creek, UNT 28168 to Oley Creek or UNT 08187 to South Branch Codorus Creek. Karl M. Weiler provided temperature data for Cranberry Creek.

Following the period for data submission described in the notices of intent to assess, the Department evaluated all available water quality data and other applicable information for these streams, drafted stream evaluation reports and published the draft reports on its web site for public review and comment as summarized in Table 3. If members of the public are interested in receiving notifications of stream evaluations, including the notices of intent to assess and draft stream evaluation reports, they may subscribe to the Department's Electronic Notification System, eNotice.

Table 3. Stream evaluation draft report publication for public comment.

<i>Stream Name</i>	<i>Draft Report Publication Date</i>	<i>Petitioner (if applicable)</i>
Bear Run	February 24, 2017	Ken Sink Chapter of Trout Unlimited
Clyde Run	July 14, 2018	
Cranberry Creek	July 14, 2018	Brodhead Creek Watershed Association
Dunbar Creek	July 14, 2018	
Two Lick Creek	February 24, 2017	Ken Sink Chapter of Trout Unlimited
UNT 28168 to Oley Creek	July 14, 2018	
UNT 08187 to South Branch Codorus Creek	February 24, 2017	

Each draft report was open for public comment for no less than a 30-day period.

For Bear Run, one comment was received in support of the Exceptional Value Waters (EV) and HQ-CWF recommendations.

For Clyde Run, one comment was received in support of the recommendations.

For Cranberry Creek, approximately 159 comments were received in response to the draft report. Ten comments expressed opposition and 148 comments expressed support for the recommendations. A macroinvertebrate survey conducted by Normandeau Associates was submitted.

For Dunbar Creek, the Department received 46 comments in support of the recommendations.

For Two Lick Creek, the Department received three comments in response to the draft report. One comment was in support of the recommendation and two comments were in opposition.

No comments were received on the draft report for UNT 28168 to Oley Creek.

One comment was received in support of the EV recommendation for UNT 08187 to South Branch Codorus Creek.

Copies of the stream evaluation reports for these waterbodies are available on the Department's web site or from the contact persons listed in section B of this preamble. All data and comments received in response to these notifications were considered in the review of the surface water evaluations for these streams. The data and information collected on these waterbodies support the Board's final-form rulemaking as set forth in Annex A.

Department staff delivered a presentation of the proposed rulemaking to the Agricultural Advisory Board on November 7, 2019. Staff provided a brief overview of the stream redesignation process and the Department's recommendations for the streams included in this final-form rulemaking. The following is a brief summary of the Department's recommendations for each waterbody.

§ 93.9c. Drainage List C

Cranberry Creek—The Brodhead Creek Watershed Association submitted a petition requesting that Cranberry Creek, from its source to mouth, be considered for redesignation to EV. The indigenous aquatic community is an excellent indicator of long-term water quality conditions and is used as a measure of both water quality and ecological significance. The integrated benthic macroinvertebrate score test described at § 93.4b(b)(1)(v) was applied to Cranberry Creek. Dimmick Meadow Brook (05244) served as the EV reference for stream metrics comparisons. Three of four stations met the 92% comparison required to qualify for EV. Therefore, the Department recommended that the Cranberry Creek basin, from and including UNT 04948 to its mouth, be designated as EV, MF in § 93.9c (relating to Drainage List C). The remainder of the Cranberry Creek basin, from its source to UNT 04948, should maintain the current designated use of HQ-CWF, MF.

§ 93.9k. Drainage List K

UNT 28168 to Oley Creek—The Department conducted an evaluation of UNT 28168 to Oley Creek due to an error discovered in § 93.9k (relating to Drainage List K) that affected the Oley Creek basin and UNT 28168. The error listed these surface waters with two conflicting use designations. A correction to § 93.9k was made in the stream redesignation rulemaking published at 47 Pa.B.

7029 (November 18, 2017), which lists the designated use of UNT 28168 as HQ-CWF consistent with the 1979 rulemaking. UNT 28168 is also currently listed on the Commonwealth's CWA section 303(d) list of impaired waters. The aquatic life use of UNT 28168 is impaired, and the source has been identified on the CWA section 303(d) list as Abandoned Mine Drainage. The Department evaluated the stream to determine if the human-caused conditions that created the impairment occurred before the special protection designation and whether or not the current designated use of HQ-CWF is attainable. As required by § 93.4(b), a use attainability analysis (UAA) was conducted to determine the appropriate designated aquatic life use of the water. A survey of UNT 28168 indicated that it is appropriately listed on the section 303(d) list of impaired waters. Furthermore, historical aerial photography confirms that significant mining activity as early as 1939 caused conditions that prevented UNT 28168 from meeting the Conservation Area designated use in 1973 and the HQ designated use in 1979. Due to current limitations in available treatment technologies, land availability and remediation, for both point and nonpoint source control of the specific pollutants of concern, UNT 28168 will not attain the HQ-CWF use. Therefore, the Department recommended that UNT 28168 to Oley Creek be designated as CWF, MF in § 93.9k.

§ 93.9l. *Drainage List L*

Bear Run—The Ken Sink Chapter of Trout Unlimited submitted a petition requesting that the Bear Run basin, from its source to its confluence with South Branch Bear Run, be considered for redesignation to HQ or EV. On April 16, 2016, the PFBC added Bear Run, from its source to its confluence with South Branch Bear Run, to the List of Class A Wild Trout Waters following public notice and comment (46 Pa.B. 1977 (April 16, 2016)). The Bear Run basin, from its source to its confluence with South Branch Bear Run, qualifies as HQ based on § 93.4b(a)(2)(ii) regarding Class A wild trout stream qualifier. In addition, the portions of the Bear Run basin located entirely within State Game Land (SGL) 174 meet the definition in § 93.1 for an “outstanding National, State, regional or local resource water.” These waters satisfy the HQ qualifiers in § 93.4b(a) and are located within SGLs managed by the Pennsylvania Game Commission (PGC). The PGC has established coordinated water quality protective measures in its resource management plans that provide protection to substantial reaches of the watershed corridor. As such, these stream segments qualify as EV waters under § 93.4b(b)(1)(iii). Therefore, the Department recommended that: the Bear Run basin, from UNT 27063 to South Branch Bear Run excluding the headwaters of Brooks Run, be designated as EV in § 93.9l (relating to Drainage List L); and that the Bear Run basin, from its source to and including UNT 27063, and the Brooks Run basin from its source to and including UNT 27059, be designated as HQ-CWF in § 93.9l.

Drainage List L is amended between the proposed rulemaking and this final-form rulemaking to clarify that the South Branch Bear Run basin retains its current designated use of CWF, MF and is not included in the EV redesignation of Bear Run—Basin, Brooks Run to South Branch Bear Run.

§ 93.9o. *Drainage List O*

UNT 08187 to South Branch Codorus Creek—The Department evaluated the UNT 08187 to South Branch Codorus Creek basin as part of ongoing Statewide monitoring efforts. Biological data were collected to evaluate

UNT 08187 since the indigenous aquatic community is an excellent indicator of long-term water quality conditions. The integrated benthic macroinvertebrate score test described at § 93.4b(b)(1)(v) was applied to UNT 08187. Carbaugh Run (60248) served as the EV reference for stream metrics comparisons. Both stations on UNT 08187 met the 92% comparison required to qualify for EV. Therefore, the Department recommended the entire basin of UNT 08187 to South Branch Codorus Creek be designated as EV, MF in § 93.9o (relating to Drainage List O).

§ 93.9r. *Drainage List R*

Clyde Run—The Department evaluated the Clyde Run basin as part of ongoing Statewide monitoring efforts. Biological data were collected to evaluate Clyde Run since the indigenous aquatic community is an excellent indicator of long-term water quality conditions. The integrated benthic macroinvertebrate score test described at § 93.4b(b)(1)(v) was applied to Clyde Run. Korb Run (54831) served as the EV reference for stream metrics comparisons. The Clyde Run station met the 92% comparison required to qualify for EV. Therefore, the Department recommended the entire basin of Clyde Run be designated as EV in § 93.9r (relating to Drainage List R).

§ 93.9t. *Drainage List T*

Two Lick Creek—The Ken Sink Chapter of Trout Unlimited submitted a petition requesting that the Two Lick Creek main stem, from the tailrace of the Two Lick Reservoir to Yellow Creek, be considered for redesignation to HQ-CWF. The Two Lick Creek main stem is currently designated Trout Stocking (TSF). The indigenous aquatic community is an excellent indicator of long-term water quality conditions. The integrated benthic macroinvertebrate score test described at § 93.4b(a)(2)(i)(A) was applied to Two Lick Creek. Cross Fork (23765) and Kettle Creek (23661) served as the EV references for stream metrics comparisons. Data collected at two stations on Two Lick Creek in 2005 were compared to Cross Fork while data collected at one of the same stations in 2009 were compared to Kettle Creek. None of the Two Lick Creek samples exceeded the 83% comparison required to qualify for HQ. As a result of data collection, the Department documented the presence of a naturally reproducing Salmonidae community and other flora and fauna indigenous to a cold water habitat in Two Lick Creek. Therefore, the Department recommended the Two Lick Creek main stem, from the Two Lick Reservoir tailrace to the confluence of Yellow Creek, be designated as CWF in § 93.9t (relating to Drainage List T).

§ 93.9v. *Drainage List V*

Dunbar Creek—The PFBC submitted information to the Department requesting that the Dunbar Creek basin, from its source to Gist Run, be considered for redesignation to EV. The integrated benthic macroinvertebrate score test described at § 93.4b(b)(1)(v) was applied to Dunbar Creek. Clear Shade Creek (45293) served as the EV reference for stream metrics comparisons. Six of 12 stations on Dunbar Creek met the 92% comparison required to qualify for EV. In addition, the portions of the Dunbar Creek basin located entirely within SGL 51 meet the definition in § 93.1 for an “outstanding National, State, regional or local resource water.” These waters are currently designated HQ and are located within SGLs managed by the PGC. The PGC has established coordinated water quality protective measures in its resource management plans that provide protection to substantial reaches of the watershed corridor. As such, these stream segments qualify as EV waters under § 93.4b(b)(1)(iii).

The PGC water quality protective measures combined with reasonable acid mine drainage remediation and recovery projects demonstrate that an EV designated use for the Glade Run basin as set forth in Annex A is appropriate. Therefore, the Department recommended EV designations in § 93.9v (relating to Drainage List V) for: the Dunbar Creek basin, from its source to Glade Run; the Glade Run basin, from the boundary of SGL 51 to mouth; and the Dunbar Creek basin, from Glade Run to Gist Run.

Correction to Drainage List C

In the Sobers Run rulemaking published at 48 Pa.B. 866 (February 10, 2018), Swiftwater Creek basin retained its HQ designation with the exception of adding an EV designation for the source of Swiftwater Creek to, but not including, UNT 04960 to Swiftwater Creek. The word “basin” was inadvertently omitted with the listing of UNT 04960 to Mouth, thereby eliminating listings for tributaries to that section of Swiftwater Creek. This final-form rulemaking restores the original HQ listing for those tributaries by adding the “basin” designation.

F. Summary of Comments and Responses on the Proposed Rulemaking

All public comments received on the proposed rulemaking supported the stream redesignation recommendations as set forth in Annex A.

The Board received comments from 65 commentators in support of redesignating the surface waters contained in this final-form rulemaking.

The Board received a comment from 57 commentators highlighting a 2014 Lehigh Valley report that outlines the economic value of protecting clean water and natural areas.

The Board also received comments from 161 commentators supporting the Cranberry Creek redesignation recommendation to EV, MF. In addition to their support for the redesignation, several commentators requested the Department reevaluate the basin from its source to UNT 04948 stating that the scores necessary to qualify for EV designation were close to being achieved.

Six commentators submitted comments in support of the Dunbar Creek basin redesignation recommendation.

The EPA provided one comment with respect to the redesignation of UNT 28168 to Oley Creek from HQ-CWF, MF to CWF, MF and noted that a UAA is required for redesignations to less restrictive uses. Two additional commentators echoed the EPA's comment.

The Board appreciates these comments in support of this final-form rulemaking. The Board does not agree that the headwaters of Cranberry Creek warrant additional evaluation at this time and is not recommending redesignation of the Cranberry Creek basin from its source to UNT 04948 in this final-form rulemaking. With respect to the EPA's comment, the stream report for UNT 28168 to Oley Creek includes the required UAA component, and a copy of each stream report is available on the Department's web site.

G. Benefits, Costs and Compliance

Benefits

Overall, this Commonwealth's residents and visitors and its natural resources will benefit from this final-form rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to pres-

ent and future generations in the form of a clean water supply for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing (also for consumption); water contact sports and boating; and aquatic life protection. It is important for the Commonwealth to ensure that the associated opportunities and activities continue in a manner that is environmentally, socially and economically sound. Protection and maintenance of water quality ensures its future availability for all potential uses. The following paragraphs describe the economic and social benefits of clean water that are protected by this final-form rulemaking.

Increased property values

A reduction in toxics found in the waterways of this Commonwealth may lead to increased property values for properties located near rivers or lakes. The study “The Effect of Water Quality on Rural Nonfarm Residential Property Values,” (Epp and Al-Ani, *American Journal of Agricultural Economics*, Vol. 61, No. 3 (Aug. 1979), pp. 529—534 (www.jstor.org/stable/1239441), used real estate prices to determine the value of improvements in water quality in small rivers and streams in this Commonwealth. Water quality, whether measured in pH or by the owner's perception, has a significant effect on the price of adjacent property. The analysis showed a positive correlation between water quality and housing values. They concluded that buyers are aware of the environmental setting of a home and that differences in the quality of nearby waters affect the price paid for a residential property.

A 2010 report from the Delaware Riverkeeper Network (www.delawareriverkeeper.org/sites/default/files/River_Values_Report_0.pdf) discusses a case study from the Maine Agricultural and Forest Experiment Station which compared waterfront property values based on whether the water that the homes faced was considered clean. Properties located near higher quality waters had higher market value than if the waterbody was lower in water quality. It was shown in some cases that a decline in water quality can completely abate the market value premium associated with a home being a waterfront property.

A 2006 study by Braden et al. from the Great Lakes region estimated that property values were significantly depressed in two regions associated with toxic contaminants (polyaromatic hydrocarbons, polychlorinated biphenyls and heavy metals). The study showed that a portion of the Buffalo River region (approximately 6 miles long) had depressed property values of between \$83 million and \$118 million for single-family homes, and between \$57 million and \$80 million for multifamily homes as a result of toxic sediments. The same study (Braden et al. 2006) estimated that a portion of the Sheboygan River (approximately 14 miles long) had depressed property values of between \$80 million and \$120 million as the result of toxics. “Economic Benefit of Sediment Remediation in the Buffalo River AOC and Sheboygan River AOC: Final Project Report,” (www.nemw.org/Econ). While this study related to the economic effect of contaminated sediment in other waters in the Great Lakes region, the idea that toxic pollution depresses property values applies in this Commonwealth. A reduction in toxic pollution in this Commonwealth's waters has a substantial economic benefit to property values in close proximity to waterways.

Maintenance of abundant and healthy fish and wildlife populations and support for outdoor recreation

Businesses requiring a high-quality source water and those in the recreation industry will be positively affected by this final-form rulemaking. The maintenance and protection of the water quality will ensure the long-term availability of recreational fisheries and other activities. The purpose of these stream redesignations is to preserve these resources for current and future sportspersons, outdoor recreators and wildlife enthusiasts so that the social and economic benefits are maintained in the local areas. As recreation demands increase in the future, the preservation of unique resources will undeniably add economic value to the local areas and, importantly, provide a valuable social function for outdoor recreation. Specific revenue-related benefits associated with outdoor trout fishing in this Commonwealth are outlined as follows.

The Center for Rural Pennsylvania prepared a report titled "Economic Values and Impacts of Sport Fishing, Hunting and Trapping Activities in Pennsylvania" (Shafer et al. 1998, www.rural.palegislature.us/documents/reports/hunting.pdf) that examined the economic values and impacts between the years 1995 to 1997. The report provides a snapshot of how much money these sporting activities bring to this Commonwealth and how they affect employment in rural areas. A major finding of that report is the total annual value of \$3.7 billion for sport fishing was almost three times the \$1.26 billion spent in travel costs to use fishing resources during the same 12-month period. The total net annual benefit to anglers was \$2.49 billion.

According to the "Angler Use, Harvest and Economic Assessment on Wild Trout Streams in Pennsylvania," (R. Greene et al., 2005, www.fishandboat.com/Fish/Fisheries/TroutPlan/Documents/WildTroutStreamAnglerUseCatchEconomicContribution.pdf), the PFBC collected information to assess the economic impact of wild trout angling in this Commonwealth during the 2004 regular trout season, April 17 through September 3, 2004. The PFBC found, based on the results of this study, that angling on wild trout streams contributed over \$7.16 million to this Commonwealth's economy during the regular trout season in 2004.

According to the "2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation" (U.S. Fish and Wildlife Service 2011, www.census.gov/prod/2012pubs/fhw11-nat.pdf) for this Commonwealth, approximately 1,101,000 anglers participated in fishing and 3,598,000 persons participated in wild life watching in the year 2011. In addition, all fishing-related expenditures in this Commonwealth totaled \$485 million in 2011. These expenditures include food and lodging, transportation and other expenses (that is, equipment rental, bait, cooking fuel). In 2011, wildlife watchers spent \$1.3 billion on activities in this Commonwealth. Expenditures include trip-related costs and equipment.

According to a 2017 report by the Outdoor Industry Association, this Commonwealth's outdoor recreation generated 251,000 direct in-State jobs, \$8.6 billion in wages and salaries, and \$1.9 billion in State and local tax revenue. These figures include both tourism and outdoor recreation product manufacturing. The association reported that 56% of Commonwealth residents participate in outdoor recreation each year. "The Outdoor Economy: Take it Outside for American Jobs and a Strong Economy," (<https://outdoorindustry.org/resource/pennsylvania-outdoor-recreation-economy-report>).

Southwick Associates has prepared several reports for the Theodore Roosevelt Conservation Partnership that analyze the economic contribution of outdoor recreation in this Commonwealth. A 2018 report, "The Power of Outdoor Recreation Spending in Pennsylvania: How hunting, fishing, and outdoor activities help support a healthy state economy," (www.trcp.org/wp-content/uploads/2018/12/TRCP-and-Southwick-PA-Economic-Analysis-12-6-18.pdf), states that during 2016 there were more than 390,000 jobs supported by outdoor recreation activities in this Commonwealth and, for comparison, this is more than the number of jobs in this Commonwealth that supported the production of durable goods. In 2016, outdoor recreation had an economic contribution in this Commonwealth of almost \$17 billion in salaries and wages paid to employees and over \$300 million in Federal, State and local tax revenue. An updated 2020 report for the Theodore Roosevelt Conservation Partnership, "Estimating the economic contributions of outdoor recreation in Pennsylvania: an analysis of 2020 state-level economic contributions made by hunting, fishing, and other outdoor recreation activities," (www.trcp.org/wp-content/uploads/2022/04/TRCP-PA-Economic-Report-2020-FINAL.pdf), revealed that economic contributions from outdoor recreation increased from nearly \$17 billion in salaries and wages paid to employees in 2016 to nearly \$20 billion in 2020. The 2020 report also continues to highlight the fact that "more Pennsylvania jobs are supported by outdoor recreation than by the production of durable goods (U.S. Bureau of Labor Statistics, 2020)." In 2020, outdoor recreation activities supported more than 430,000 jobs and contributed more than \$32 billion to this Commonwealth's state gross domestic product and over \$6.5 billion in tax revenue at the Federal, State and local levels, which is a significant increase from the 2016 tax revenue total of over \$300 million.

Maintenance of the current green infrastructure along streams and the associated reduction in tax expenditures

The findings of a 2014 Lehigh Valley Planning Commission report entitled "Lehigh Valley Return on Environment," (www.lvpc.org/pdf/2014/ReturnOnEnvironment_Dec_18_2014.pdf), demonstrates the benefits when clean water and natural areas are protected. The report states, "the current green infrastructure along streams in the Lehigh Valley reduces tax dollars by avoiding more than \$110.3 million annually in expenditures for water supply (\$45.0 million), disturbance (flood) mitigation (\$50.6 million) and water quality (\$14.7 million)." This report describes how investing in green infrastructure to improve water quality (such as watershed conservation, forest buffers and wetlands construction) can be much more cost effective than more traditional gray infrastructure approaches (such as pipes and treatment plants).

Savings in water treatment for downstream communities that rely on surface waters for water supplies and availability of unpolluted water for domestic, agricultural and industrial uses

The Department identified one public water supply facility with a raw water intake located within the candidate stream sections for redesignation in this final-form rulemaking package. This public water supplier, which serves over 22,300 citizens, will benefit from this final-form rulemaking because their raw source water will be afforded a higher level of protection. This final-form rulemaking further provides the likelihood of economic benefits to the public water supplier and the local community. By maintaining clean surface water, public water suppliers may avoid the costly capital investments

that are often required for the installation of advanced water treatment processes as well as the higher annual operations and maintenance costs associated with effective operation of these processes. Safe drinking water is vital to maintaining healthy and sustainable communities. Protecting the quality of drinking water sources can reduce the incidence of illness and reduce health care costs, help ensure a continuous supply of safe drinking water, enable communities to plan and build future capacity for economic growth and ensure their long-term sustainability for years to come. Public water suppliers' customers will also benefit from reduced fees for clean drinking water.

Compliance costs

This final-form rulemaking is necessary to protect and maintain the existing water quality of the HQ and EV waters, to protect existing water uses and to effectively control discharges of pollutants into the affected streams. These amendments to Chapter 93 do not impose any new compliance costs on persons engaged in regulated activities under existing individual permits or approvals from the Department since existing discharges are included in any determination of existing water quality when streams are redesignated to HQ or EV. Additional compliance costs may arise when permits or approvals are necessary for new or expanded regulated activities in HQ or EV waters, or when streams are redesignated to different non-special protection designations (such as WWF to CWF). Discharges to special protection streams are not eligible for coverage under National Pollutant Discharge Elimination System (NPDES) general permits, based on § 92a.54(a)(8) (relating to general permits), and therefore, require individual permits. Some additional cost will be incurred by facilities required to obtain an individual permit. The Department will implement stream redesignations through permit and approval actions.

Persons adding or expanding a discharge to a stream may need to provide a higher level of treatment or additional BMPs to protect the designated and existing uses of the affected streams, which could result in higher engineering, construction or operating costs. Treatment costs and BMPs are based on the specific design and operation of a facility, which also requires consideration of the size of the discharge in relation to the size of the stream and many other factors.

In the future, a person who proposes a new, additional or increased point source discharge to an EV or HQ water would need to satisfy the antidegradation requirements found in § 93.4c(b)(1). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives, and the applicant must use an alternative that is environmentally sound and cost effective when compared to the costs associated with achieving a nondegrading discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must utilize anti-degradation best available combination of technologies (ABACT), which include cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet these nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate there is a social or eco-

nomical benefit of the project that would justify a lowering of the water quality. The social and economic justification (SEJ) demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that a lower water quality will protect all other applicable water uses for the waterbody. SEJ is not available for proposed discharges to EV waters. The water quality of EV streams must be maintained and protected.

There are approximately 10,300 facilities across this Commonwealth that hold permits issued under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). This Statewide number of approximately 10,300 includes NPDES permits for concentrated animal feeding operations, industrial waste, municipal separate storm sewer systems (MS4), treated sewage and stormwater associated with industrial activities. This total does not include NPDES permits for stormwater associated with construction activities, which is discussed as follows. Out of this Statewide total of approximately 10,300, only 9 facilities currently hold active NPDES permits for discharges to the stream segments redesignated in this final-form rulemaking.

The types of discharges with active NPDES permits located in waters affected by this final-form rulemaking include industrial wastewater and industrial stormwater. There is also one Chapter 91 (relating to general provisions) pesticide permit within the waters affected by this final-form rulemaking. Since the presence of these discharge activities did not preclude the attainment of the HQ or EV use, the discharges to these waters may continue as long as the discharge characteristics of both quality and quantity remain the same. Thus, redesignation to special protection does not impose any additional special treatment requirements on existing permitted discharges.

As previously stated, discharge activities to special protection streams are not eligible for coverage under NPDES general permits and, therefore, require individual permits. Individual permits are required in special protection waters because the existing quality of the water must be protected. Therefore, each discharge must be evaluated individually for each stream. Site-specific characteristics of the stream water quality are used to determine effluent limitations for discharges to a stream. The individual permits are necessary to track the quality and quantity of any existing permitted discharges to ensure that additional or increased discharges to a special protection water do not occur without the Department's review in accordance with the antidegradation regulations.

There are no NPDES general permits available for discharges to special protection waters. In addition, there are no general permits available for discharges of treated sewage effluent or industrial waste effluent with the exception of the PAG-04 (general permit for small flow sewage treatment facilities). The Department identified four NPDES permits for discharges to waters proposed for redesignation to special protection, and all four permits are currently individual permits. Consequently, there would be no change in the permitting requirements for these activities.

The remaining five NPDES permits discharge into Two Lick Creek, which is recommended for redesignation from TSF to CWF. The types of discharges with active NPDES permits located in the Two Lick Creek basin include

industrial waste and industrial stormwater. These permits will not be affected by the redesignation.

Although no stormwater discharges from MS4s have been identified in the waters being redesignated, in general, local governments that are MS4s will most likely have additional costs associated with MS4 permitting requirements for discharges to HQ or EV waters. An MS4 that discharges to an HQ or EV water will be required to obtain an individual permit. The application fee for a new individual permit is \$5,000 compared to \$500 for the general permit (that is, NPDES General Permit for Stormwater Discharges from Small MS4s (PAG-13)). If there is an existing MS4 permit (whether it is currently the general permit or an individual permit) to discharge into one of the HQ or EV waters redesignated in this final-form rulemaking, any subsequent permit application fee for an individual permit is \$2,500. The annual fee for all MS4 permits is the same, whether it is for coverage under the general permit or for an individual permit. There is a difference in cost between the initial issuance of an individual permit and approval of coverage under the general permit due to increased staff time needed to review permit applications and implementation oversight that is associated with individual permits. An individual permit allows for the tailoring of an MS4's stormwater management program and its implementation of the minimum control measures.

Statewide, there are thousands of active earth disturbance activities requiring general or individual NPDES permits for stormwater discharges associated with construction activities issued under Chapter 102 (relating to erosion and sediment control). These permits for stormwater discharges associated with construction activities were not included in the preceding permit analyses because of the short-term, temporary nature of these permitted discharges.

A person proposing a new earth disturbance activity requiring a permit under Chapter 102 with a discharge to an HQ or EV water must obtain an individual permit and comply with the antidegradation provisions, as applicable. Where a permitted discharge existed prior to the receiving waterbody attaining an existing or designated use of HQ or EV, those persons may continue to operate using BMPs that have been approved by the Department and implemented. New discharges to the waterbody would be required to comply with the antidegradation provisions, as applicable, and must undergo an antidegradation analysis. Based on the analysis, additional construction and post-construction BMPs may need to be implemented on the remaining area that will be disturbed.

The administrative filing fee for an individual earth disturbance permit is \$1,500 compared to \$500 for a general permit, as set forth in § 102.6(b)(1) (relating to permit applications and fees). A person proposing a new earth disturbance activity requiring a permit under Chapter 102 must comply with the antidegradation provisions, as applicable. The erosion and sediment (E&S) BMPs and their ABACT rating, if applicable, are identified in the Department's *Erosion and Sedimentation Pollution Control Manual*, 363-2134-008, (2012) and the Department's Alternative E&S and Post-Construction Stormwater Management BMPs list, Version 2.2. (March 18, 2022). The Department may also approve alternative BMPs that maintain and protect the existing water quality and water uses.

Where onlot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in 25 Pa. Code Chapters 71, 72 and 73 (relating to

the administration of Sewage Facilities Planning Program; administration of Sewage Facilities Permitting Program; and standards for onlot sewage treatment facilities) will continue to satisfy § 93.4c. Permit applicants of sewage facilities with proposed discharges to HQ waters, subject to antidegradation requirements, may demonstrate SEJ at the sewage facilities planning stage and need not re-demonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and non-sewage discharge applicants for any naturally occurring substances identified in accordance with the Department's *Water Quality Antidegradation Implementation Guidance*, 391-0300-002, (DEP 2003).

A more detailed description of cost is discussed in the Regulatory Analysis Form, required under the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14), that accompanies this final-form rulemaking.

Compliance assistance plan

This final-form rulemaking does not impose any new compliance requirements on persons engaged in regulated activities under existing individual permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, the Department will provide compliance assistance.

Paperwork requirements

NPDES general permits are not available for discharges to HQ or EV waters. Applications for individual permits will require additional paperwork. The individual permits are necessary to track the quality and quantity of any existing permitted discharges to ensure that additional or increased discharges to a special protection water do not occur without the Department's review in accordance with the antidegradation regulations.

This final-form rulemaking does not, however, impose any new paperwork requirements on persons engaged in regulated activities under existing individual permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges to HQ or EV waters, additional information may need to be submitted to the Department as part of the permit application or approval request. As discussed previously, the permit applicant will complete an antidegradation analysis. The applicant will describe how the proposed activity will be conducted to maintain existing water quality. If water quality cannot be maintained and the proposed discharge will be to an HQ water, the applicant may submit an SEJ demonstration for the lowering of water quality.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Al-

though the antidegradation program does not prohibit new or expanding wastewater discharges, nondischarge alternatives must be implemented when environmentally sound and cost-effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil. In addition, if no environmentally sound and cost-effective alternatives are available, discharges must be nondegrading except as provided in § 93.4c(b)(1)(iii) regarding SEJ in HQ waters.

I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the RRA (71 P.S. § 745.5(a)), on June 24, 2021, the Department submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 4062, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the RRA (71 P.S. § 745a(j.2)), on May 17, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the RRA, IRRC met on May 18, 2023, and approved this final-form rulemaking.

K. *Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and regulations

promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A 45-day public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 51 Pa.B. 4062.

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

(5) These regulations are reasonably necessary to maintain the Commonwealth's water quality standards and to satisfy related CWA requirements.

L. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93 are amended by amending §§ 93.9c, 93.9k, 93.9l, 93.9o, 93.9r, 93.9t and 93.9v, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

RICHARD NEGRIN,
Acting Chairperson

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

Fiscal Note: Fiscal Note 7-557 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES
CHAPTER 93. WATER QUALITY STANDARDS
DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
3—Paradise Creek	Basin, Devils Hole Creek to Forest Hills Run	Monroe	HQ-CWF, MF	None

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
4—Forest Hills Run	Basin, Source to Swiftwater Creek	Monroe	HQ-CWF, MF	None
5—Swiftwater Creek	Basin, Source to UNT 04960 at 41°5'58.5"N; 75°20'4.8"W	Monroe	EV, MF	None
6—UNT 04960	Basin	Monroe	HQ-CWF, MF	None
5—Swiftwater Creek	Basin, UNT 04960 to Mouth	Monroe	HQ-CWF, MF	None
4—Forest Hills Run	Basin, Swiftwater Creek to Mouth	Monroe	HQ-CWF, MF	None
3—Paradise Creek	Basin, Forest Hills Run to Cranberry Creek	Monroe	HQ-CWF, MF	None
4—Cranberry Creek	Basin, Source to UNT 04948 at 41°8'28.6"N; 75°16'58.7"W	Monroe	HQ-CWF, MF	None
5—UNT 04948	Basin	Monroe	EV, MF	None
4—Cranberry Creek	Basin, UNT 04948 to Mouth	Monroe	EV, MF	None
3—Paradise Creek	Basin, Cranberry Creek to Mouth	Monroe	HQ-CWF, MF	None
3—Michael Creek	Basin	Monroe	HQ-CWF, MF	None
* * * * *				

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania
Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * *				
2—Salem Creek	Basin	Luzerne	CWF, MF	None
2—Nescopeck Creek	Basin, Source to Oley Creek	Luzerne	HQ-CWF, MF	None
3—Oley Creek	Basin, Source to UNT 28168 at 41°3'7.1"N; 75°54'40.8"W	Luzerne	HQ-CWF, MF	None
4—UNT 28168	Basin	Luzerne	CWF, MF	None
3—Oley Creek	Basin, UNT 28168 to Mouth	Luzerne	HQ-CWF, MF	None
2—Nescopeck Creek	Basin, Oley Creek to PA 309 Bridge at 41°2'14.7"N; 75°57'11.9"W	Luzerne	HQ-CWF, MF	None
2—Nescopeck Creek	Main Stem, PA 309 Bridge to Mouth	Luzerne-Columbia	TSF, MF	None
* * * * *				

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania
West Branch Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * *				
3—Tributaries to West Branch Susquehanna River	Basins, North Run to Bear Run	Clearfield	CWF, MF	None
3—Bear Run	Basin, Source to UNT 27063 at 40°54'5.1"N; 78°50'51.0"W	Indiana	HQ-CWF, MF	None
4—UNT 27063	Basin	Indiana	HQ-CWF, MF	None
3—Bear Run	Basin, UNT 27063 to Brooks Run	Indiana	EV, MF	None

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
4—Brooks Run	Basin, Source to UNT 27059 at 40°54'10.5"N; 78°49'41.6"W	Indiana	HQ-CWF, MF	None
5—UNT 27059	Basin	Indiana	HQ-CWF, MF	None
4—Brooks Run	Basin, UNT 27059 to Mouth	Indiana	EV, MF	None
3—Bear Run	Basin, Brooks Run to South Branch Bear Run	Indiana	EV, MF	None
4—South Branch Bear Run	Basin	Indiana	CWF, MF	None
3—Bear Run	Basin, South Branch Bear Run to Mouth	Indiana	CWF, MF	None
3—Tributaries to West Branch Susquehanna River	Basins, Bear Run to Chest Creek	Clearfield	CWF, MF	None
3—Chest Creek	Basin, Source to Patton Water Supply	Cambria	HQ-CWF, MF	None
* * * * *				

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania
Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * *				
3—Stoverstown Branch	Basin	York	WWF, MF	None
3—South Branch Codorus Creek	Basin, Source to UNT 08187 at 39°46'26.7"N; 76°43'15.2"W	York	WWF, MF	None
4—UNT 08187	Basin	York	EV, MF	None
3—South Branch Codorus Creek	Basin, UNT 08187 to UNT from Glen Rock Valley at 39°47'36"N; 76°43'49"W	York	WWF, MF	None
4—UNT to South Branch Codorus Creek Through Glen Rock Valley	Basin	York	CWF, MF	None
* * * * *				

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania
Clarion River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * *				
3—Clarion River	Basin, Maxwell Run to Clyde Run	Elk	CWF	None
4—Clyde Run	Basin	Elk	EV	None
3—Clarion River	Basin, Clyde Run to Callen Run	Elk-Jefferson	CWF	None
4—Callen Run	Basin	Jefferson	HQ-CWF	None
* * * * *				

§ 93.9t. Drainage List T.

Ohio River Basin in Pennsylvania
Kiskiminetas River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * *				
6—Two Lick Creek				
7—South Branch Two Lick Creek	Basin, Source to Confluence with North Branch	Indiana	HQ-CWF	None
7—North Branch Two Lick Creek	Basin, Source to Confluence with South Branch	Indiana	CWF	None
6—Two Lick Creek	Main Stem, Confluence of North and South Branches to Two Lick Reservoir tailrace	Indiana	TSF	None
7—Tributaries to Two Lick Creek	Basins, Confluence of North and South Branches to Two Lick Reservoir tailrace	Indiana	CWF	None
6—Two Lick Creek	Basin, Two Lick Reservoir tailrace to Yellow Creek	Indiana	CWF	None
7—Yellow Creek	Basin, Source to Little Yellow Creek	Indiana	CWF	None
8—Little Yellow Creek	Basin	Indiana	HQ-CWF	None
7—Yellow Creek	Basin, Little Yellow Creek to Yellow Creek State Park Dam	Indiana	CWF	None
7—Yellow Creek	Main Stem, Yellow Creek State Park Dam to Mouth	Indiana	TSF	None
8—Tributaries to Yellow Creek	Basins, Yellow Creek State Park Dam to Mouth	Indiana	CWF	None
6—Two Lick Creek	Main Stem, Yellow Creek to Mouth	Indiana	TSF	None
7—Tributaries to Two Lick Creek	Basins, Yellow Creek to Mouth	Indiana	CWF	None
6—Weirs Run	Basin	Indiana	CWF	None
* * * * *				

§ 93.9v. Drainage List V.

Ohio River Basin in Pennsylvania
Monongahela River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * *				
4—Dunbar Creek	Basin, Source to Glade Run	Fayette	EV	None
5—Glade Run	Basin, Source to Boundary of SGL 51	Fayette	HQ-CWF	None
5—Glade Run	Basin, Boundary of SGL 51 to Mouth	Fayette	EV	None
4—Dunbar Creek	Basin, Glade Run to Gist Run	Fayette	EV	None
5—Gist Run	Basin	Fayette	TSF	None
* * * * *				

[Pa.B. Doc. No. 23-814. Filed for public inspection June 23, 2023, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 218]

Radiological Health Fees

The Environmental Quality Board (Board) amends Chapter 218 (relating to fees). This final-form rulemaking amends the annual fees for radiation-producing machine registrations, vendor registrations, accelerator licenses, radioactive material licenses and the professional hourly rate.

This final-form rulemaking was adopted by the Board at its meeting of April 11, 2023.

A. Effective Date

This final-form rulemaking will be effective 30 days after publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact John Chipppo, Chief, Division of Radiation Control, P.O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-2480, or Nicholas Pistory, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9372. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of April 11, 2023).

C. Statutory Authority

This final-form rulemaking is authorized under sections 301, 302 and 401 of the Radiation Protection Act (RPA) (35 P.S. §§ 7110.301, 7110.302 and 7110.401), which direct the Board and the Department to establish fees in amounts at least sufficient to cover the costs of the radiation protection programs mandated by the RPA and review of those fees every 3 years, and under section 1920-A of The Administrative Code (71 P.S. § 510-20), which directs the Board ". . . to formulate, adopt and promulgate such rules and regulations as may be determined by the board for the proper performance of the work of the Department. . . ."

D. Background and Purpose

The Department's Radiation Protection Program (RPP) was established to carry out the comprehensive program of radiation protection in this Commonwealth as required by the RPA (35 P.S. §§ 7110.101—7110.703). Section 401 of the RPA and section 8 of the Radon Certification Act (63 P.S. § 2008) require that fees be established to cover the Department's RPP costs. Section 302(b) of the RPA (35 P.S. § 7110.302(b)) requires the Board to review the radiation protection fee structure every 3 years.

On February 15, 2022, the Department presented its Three-Year Regulatory Fee and Program Cost Analysis Report (Report) in accordance with § 218.11(l) (relating to registration, renewal of registration and license fees) and Chapter 240, Appendix A (relating to radon certification fee schedule) to the Board. The Report covered the period of 2018—2021 and analyzed costs for three program areas: Accelerator, Radiation-Producing Machines, and

Vendors/Service Providers; Radioactive Materials and Decommissioning; and Radon. The Department concluded that fee increases are necessary for the Accelerator, Radiation-Producing Machines, and Vendors/Service Providers Program and for the Radioactive Materials and Decommissioning Program to ensure both program areas are fully funded.

Accelerator, radiation-producing machines and vendors / service providers analysis

Through a staff of 71 located in the Department's central and regional offices, the RPP's Radiation Control Division administers the radiation-producing machine registration and inspection program, the Mammography Quality Standards Act Program, the particle accelerator licensing and inspection program and the vendor/service provider registration program.

The Radiation Control Division is responsible for the registration and inspection of over 11,000 facilities possessing about 33,000 X-ray units. These facilities include hospitals, clinics and medical and dental offices. Users of radiation-producing machines are required to register with the Radiation Control Division, indicate the number and type of units possessed and designate an individual responsible for radiation safety. Users pay registration fees based on the type of facility and the number of X-ray units they have. The fee amounts are listed in § 218.11(a).

Section 354 of the Federal Mammography Quality Standards Act (MQSA) (42 U.S.C. § 263b) was signed into law on October 27, 1992. The MQSA ensures that women and men receive high-quality mammography services for early breast cancer detection through the establishment of a Federal certification and inspection program. The statute authorizes the United States Food and Drug Administration (USFDA) to obtain state and local assistance in enforcing the MQSA requirements, including annual inspections of all certified mammography facilities. The Department, under a \$588,000 reimbursement contract with the USFDA, conducts inspections of each of this Commonwealth's more than 300 facilities which perform mammographic X-ray procedures. This contract is modified most years due to the changing number of facilities. The average amount is \$575,000.

The Department requires licensing of all particle accelerators within this Commonwealth for industrial use, research or medical purposes. A person who intends to purchase, construct or acquire an accelerator shall notify the Department of this intent by filing the appropriate application for a specific license within 30 days after the initial order is issued to obtain any or all parts of the accelerator. Annual fees for licensed particle accelerators are listed in § 218.11(d). About 150 facilities have approximately 250 licensed accelerators within this Commonwealth.

The Department also administers a registration program for vendors/service providers who sell, lease, install or service, or both, radiation-producing machines. Department regulations require that each vendor/service provider doing business within this Commonwealth must be registered prior to providing these services. To register, each vendor/service provider must complete a registration application and return that application with the associated fee to the Bureau of Radiation Protection. The registration is renewable for 12-month periods following submission of the applicable fee as listed in § 218.11(k).

In analyzing the annual costs and revenue associated with the Accelerator, Radiation-Producing Machines, and

Vendors/Service Providers RPP fee category, the Department found that despite substantial increases in personnel and program costs, the Chapter 218 fees, which support the registration of radiation-producing machines and vendors/service providers and the licensing of accelerators, have not been revised since 2009. As a result, the Radiation Protection Fund is decreasing annually in operating reserves, and the fund balance will be negative in Fiscal Year (FY) 2023-2024. Without the fee increase in this final-form rulemaking, the Department would be required to curtail spending for needed equipment, infrastructure upgrades, and training and hiring of qualified personnel.

Radioactive materials and decommissioning analysis

The RPP's Radiation Control Division is also responsible for the regulation, licensing and inspection of radioactive material user operations and, along with the Decommissioning Section of the Decommissioning and Surveillance Division, is responsible for termination of radioactive material licenses (such as for by-product, source and special nuclear material).

Users of all by-product, source and special nuclear material are required to obtain a license from the Department prior to obtaining those radioactive materials. This material is used in hospitals, colleges and industries for medical, research and industrial purposes. The Department issues specific, general and reciprocity licenses for the use of radioactive material in this Commonwealth. The objective of the licensing program is to ensure radioactive material is used safely, disposed of properly and facilities are free from contamination when licensed operations are terminated. Annual license fees for radioactive material are listed in Chapter 218, Appendix A (relating to fees for radioactive material licenses).

The Decommissioning Section performs technical reviews of decontamination and decommissioning (D&D) activities for radioactive materials licensees and non-licensed radiologically contaminated sites in accordance with appropriate Commonwealth regulations. Typical reviews include site characterization plans, health and safety plans, decommissioning plans, survey reports, and the evaluation of decommissioning funding plans and financial assurance mechanisms. The Decommissioning Section also performs onsite reviews and inspections of D&D activities for occupational, public and environmental radiation protection concerns. These activities include performing confirmatory surveys and sampling to ensure the cleanup levels established for the site have been met. The Decommissioning Section would also perform independent oversight and sampling at decommissioning nuclear power plant sites (for example, Three Mile Island Unit 2). This work is performed at full cost recovery.

Fee collections for radioactive material licensing have been trending down since the National economic recession of 2008. Universities and industries that use radioactive material have been consolidating or finding other operational methods that do not require a license. Many licensees have opted to be licensed under a small business fee category at a lower cost, which is specified in Chapter 218, Appendix A. During this same time, actual RPP personnel costs (salaries and benefits) have increased approximately 14% since the last fee increase for this fee area took effect in 2017.

The Department's fiscal analysis showed that with existing reserve funds and current fees, the fund balance will be negative in FY 2024-2025 for the Radioactive Materials and Decommissioning area.

Summary of RPP funding needs

Based on the findings of the Report, this final-form rulemaking is necessary to address the discrepancy between anticipated fees and needed revenue for the Accelerator, Radiation-Producing Machines, and Vendors/Service Providers program area and the Radioactive Materials and Decommissioning program area.

In March 2008, then-Governor Edward Rendell signed an agreement with the Chairperson of the United States Nuclear Regulatory Commission (NRC) for the Commonwealth to become an Agreement State. This allows the Department to oversee and regulate licensure of radioactive materials for entities in this Commonwealth. These duties are funded through the Chapter 218 fees. As part of the agreement, the Commonwealth committed to implementing a radiation protection program comparable to the NRC's program and ensured that Department regulations would be compatible with NRC regulations.

The amendments to the Chapter 218 fees for radiation-producing machines, vendors and accelerators are necessary to ensure adequate funding is available for the Commonwealth to carry out its duties under the RPA. The amendments to the Chapter 218 fees for radioactive material licenses are necessary to ensure adequate funding is available for the Commonwealth to carry out its duties under the NRC's Agreement State program. If the Commonwealth were forced to cede its authority to regulate radioactive materials back to the NRC, the regulated community would experience higher costs per NRC's fee regulations.

To ensure there is adequate funding for these program areas and for the Commonwealth to maintain its status as an NRC Agreement State, the Board is increasing the fees associated with the Accelerator, Radiation-Producing Machines, and Vendors/Service Providers program area by 30% to provide sufficient revenue through FY 2027-2028 and the fees associated with the Radioactive Materials and Decommissioning program area by 10%, except for the full cost recovery hourly rate that is increased by 22% to \$275, to ensure sufficient funding through FY 2027-2028.

Outreach

The amendments to the Chapter 218 fees for radiation-producing machines, vendors, and accelerators and for radioactive materials and decommissioning were reviewed with the Department's Radiation Protection Advisory Committee (RPAC). RPAC represents various stakeholders, including radiation-producing machine registrants, radioactive materials licensees and radon service providers, as well as the general public. The Department discussed the need for fee revisions and presented the draft proposed amendments to Chapter 218 to RPAC on March 3, 2022, and RPAC endorsed moving forward with the proposed rulemaking. The Department presented the draft final amendments to Chapter 218 to RPAC on December 9, 2022, and RPAC again endorsed moving forward with this final-form rulemaking.

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

§ 218.11. Registration, renewal of registration and license fees

In subsection (a), the annual administrative fees and annual fees per X-ray tube or radiation generating device for radiation-producing machines are increased by approximately 30% to provide adequate funding to support the oversight of X-ray machines in hospitals, dental

offices, veterinary clinics and other facilities. Additionally, “Chiropractors” have been moved out of the “Other” fee category and are now added to “Chiropractors, dentists, podiatrists, veterinarians.” This change was made because chiropractors’ equipment is comparable with the equipment used by dentists, podiatrists and veterinarians.

In subsection (d)(1), the fee amounts for accelerators, below 50 MeV, other than for ion implantation are increased by 30% from \$2,100 to \$2,730 for the first accelerator at a facility and from \$700 to \$910 for each additional unit at the facility.

In subsection (d)(2), the fee amounts for accelerators used for ion implantation are increased from \$700 to \$910 and from \$70 to \$90 for each additional unit at the same facility.

In subsection (d)(3), the fee amounts associated with accelerators 50 MeV and above are increased by 30%. This includes the hourly rate considered for staff time to review license applications and to conduct inspections being increased from \$150 per hour to \$195 per hour; the minimum annual fee being increased from \$2,100 to \$2,730 for the first accelerator at a facility; and the fee for each additional unit being increased from \$700 to \$910.

In subsection (i), the annual fee amounts for electronic brachytherapy devices are increased by 30% from \$1,000 to \$1,300 for the first unit at a facility and from \$100 to \$130 for each additional unit at the facility.

In subsection (k), the annual registration fee for radiation-producing machine service providers is increased by 30% from \$140 to \$180.

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

Chapter 218, Appendix A. Fees for radioactive material licenses

The Board proposed to increase the 39 different fee categories for radioactive material licenses by 10% based on the findings of the Report to ensure adequate funding is available for the Commonwealth to carry out its duties under the Agreement State program. In this final-form rulemaking 38 different fee categories for radioactive material licenses are increased by 10%. One fee category, Category 6A—Nuclear Laundry, is being kept at the current rate of \$43,200 in this final-form rulemaking and is not increased to \$47,520 as originally proposed. There is currently one licensee in this category, who submitted comments on the proposed rulemaking requesting this fee be decreased based on the licensee’s comparison of the Commonwealth’s fee to the fees charged by other states where the licensee operates. However, these comparison states have other funding streams to help cover their program costs, while the Commonwealth’s program is required by statute to be funded solely through the license, registration and certification fees.

Decreasing the fee is not feasible. Regulatory oversight for this license category is different from other categories and requires more Department resources, such as specialized training, more frequent sampling and increased financial assurance. However, the Board has determined that keeping this license category at the current rate for this 3-year fee review cycle is not expected to be detrimental to the RPP at this time, as currently there is only one nuclear laundry license in the Commonwealth. During the next 3-year fee review cycle, the Department will compile more detailed information and understanding of

the complexities and uniqueness of this license category, which will allow the Board to assess if an additional adjustment to the nuclear laundry license fee category is appropriate.

Additionally, the full cost recovery fee, identified by the asterisk in this final-form rulemaking, is increased by 22% from \$225 per hour to \$275 per hour, which is below the NRC’s current FY 2022 hourly rate of \$290 per hour. This hourly rate is applicable to fee categories 4A (Waste Storage, Processing or Disposal), 5B (Well Logging Field Flood Tracer Studies) and 14 (Decontamination, Decommissioning, Reclamation or Site Restoration). The fee increase is needed to compensate for the increase in Department staff salaries, which have risen more than 22% since the last fee increase in 2017, as well as increases in the costs for infrastructure to support the radiation protection program staff. There was only one change made to this fee section from the proposed rulemaking to this final-form rulemaking to keep the Category 6A—Nuclear Laundry fee at the current rate.

F. Summary of Comments and Responses on the Proposed Rulemaking

The Independent Regulatory Review Commission (IRRC) and a commentator questioned whether the nuclear laundry license fee should be increased. The commentator submitted a comparison of nuclear laundry fees they pay in other states for this license category to explain why they feel an increase is not reasonable for this category. IRRC also asked the Board to explain why this fee and the proposed increase are reasonable and how they comply with the requirement in the RPA.

As noted in the previous section, the Board has declined to make the proposed change to the nuclear laundry fee in this final-form rulemaking and will keep the fee at its current rate. The Board will use the next 3-year fee review cycle to conduct further analysis. A nuclear laundry license is a complex license involving numerous requirements in addition to the inspection, license amendment and review of reports mentioned by the commentator. As discussed in more detail as follows, there are environmental monitoring requirements, financial assurance requirements and special training for RPP staff to review the licenses and perform the monitoring. In addition, there are infrastructure costs that must be maintained independent of the number of operational licenses.

Under license condition, a nuclear laundry is required to perform annual routine monitoring of the environment near and downstream of their wastewater discharge pipe into the river. This monitoring includes sampling of sediment (3 times per year), plant (2 times per year), fish (2 times per year) and clams (1 time per year) to monitor the radiological contaminants that they are discharging to the environment. The radiological results of this sampling must be reviewed by staff with Federally required, specialized training on radiological contaminants in the environment. Annual data is then compiled in a final report and evaluated against public dose limits. That report is also reviewed by this specially trained staff to evaluate their compliance.

Additionally, the RPP periodically collects or obtains split samples from the licensee to perform its own independent analysis. This sampling requires specific equipment to collect and submit samples. Each sample has a cost for radiological analysis.

By Federal regulation at 10 CFR 30.35 (relating to financial assurance and recordkeeping for decommission-

ing) incorporated by reference in § 217.131 (relating to incorporation by reference), a nuclear laundry is required to maintain financial assurance to ensure funds are available should the licensee become unable to properly maintain the site prior to termination of its license. This financial assurance requires a cost-specific review of what it would take for a third party to come in and properly clean up the facility and the surrounding environment, both surface and subsurface. This cost estimation is required to be submitted at least every 3 years. The cost estimate and associated financial assurance mechanisms require detailed review and approvals and require special training for the individuals who perform those reviews.

At a minimum, the reviews mentioned previously require at least one technical staff and one manager to complete the review for each submission. The financial assurance reviews typically involve at least one additional staff member to make sure the review is thorough. Therefore, two or three RPP staff's time is required for each of these compliance activities.

The RPP maintains a section of staff specifically trained for decommissioning and environmental monitoring. The NRC Agreement State Program requires that this staff receives specialized training to be qualified to implement these decommissioning and environmental monitoring requirements. Currently, the commentator's nuclear laundry facility is the sole license in this Commonwealth requiring environmental monitoring—not just the only license in the nuclear laundry license category but the only license out of all radioactive material license categories. Therefore, the commentator's nuclear laundry facility license fee is the only funding source to support this specialized training.

There is a cost for the infrastructure that must be maintained independent of the number of operational licenses. These infrastructure costs include indirect and administrative services, including rulemaking, maintaining guidance for licensees and maintaining procedures for staff, training and travel, the cost of information management, information technology, security, facilities management, rent, utilities, financial management, acquisitions, human resources and policy support.

The commentator has compared the Commonwealth's license fees with states that are able to supplement their fees with other funds to administer their programs. Section 401 of the RPA states that “. . . [t]hese fees shall be in an amount at least sufficient to cover the department's costs of administering the programs.” Consequently, the Commonwealth's RPP is funded entirely through its license, registration and certification fees.

As noted in the funding Report for the RPP and in the preamble to the proposed rulemaking, the Radiation Protection Fund balance will go into the negative in FY 2023-2024. Therefore, the Department cannot afford a delay in promulgating this final-form rulemaking and decreasing the fee is not feasible. However, the Board has determined that keeping this license category at the current rate for this 3-year fee review cycle is not expected to be detrimental to the RPP at this time, as currently there is only one nuclear laundry license in the Commonwealth. During the next 3-year fee review cycle, the Department will compile more detailed information on this unique license category, including but not limited to, training, sampling and staff hours, which will allow the Board to assess if an additional adjustment to the nuclear laundry license fee category is appropriate.

IRRC noted the full cost recovery fee for licenses in categories 4A, 5B and 14 was proposed to be increased by

22% but the Preamble and Regulatory Analysis Form (RAF) stated the fees in Chapter 218, Appendix A are increased by 10% and requested the documents be revised. IRRC also asked the Board to explain why the increase was needed and reasonable. As IRRC noted, the full cost recovery fee is an hourly rate charged for D&D activities performed by Department staff. This fee is rarely utilized because it only applies in two situations. One is the extraordinary circumstance that a non-licensee possesses radioactive material requiring D&D and therefore has not paid any license fee to the Department. The other case is when a licensee requests termination of their operating license and conversion to a decommissioning-only license. In this case, the Department would only charge the hourly rate if Program staff had completed enough work to exceed the annual fee paid by the licensee. This allows the Department to recover the full cost of staff time spent on unplanned work that is not included in the Program's revenue projections. In addition to covering personnel salaries, there is a cost for the infrastructure that must be maintained independent of the number of operational licenses, which was discussed in detail previously in this section of the preamble. As this is an hourly professional rate for a license category with an unpredictable number of licensees, the fee increase is needed to compensate for the increase in Department staff salaries and infrastructure costs, which have risen more than 22% since the last fee increase in 2017. The preamble and RAF for this final-form rulemaking have been updated to provide an explanation for the fee increase and the correct percentage increase of 22%.

IRRC noted the estimates of costs to local governments and State government in questions 20 and 21 of the RAF conflict with estimates given for question 23. The responses to questions 20 and 21 are correct, and the response to question 23 has been revised accordingly.

G. Benefits, Costs and Compliance

Benefits

The Chapter 218 fee increases for radioactive material licenses are necessary to ensure that adequate funding is available for the Commonwealth to carry out its duties under the Agreement State program and the RPA. If the Commonwealth were forced to cede its authority to regulate radioactive materials back to the NRC, the regulated community would be subject to higher NRC fees. Radioactive material controls under the Agreement State program guard against the potential for unnecessary public radiation exposure from the use of radioactive material benefitting the health of all residents in this Commonwealth.

The Chapter 218 fees for registration of X-ray facilities, licensing of accelerators and registration of vendors have not been increased since 2009, although costs have steadily increased. These fee increases are necessary to ensure oversight of radiation safety-related activities are not diminished and the replacement of obsolete survey equipment is not delayed, which would reduce the assurance that regulated activities are being conducted safely.

For these reasons, the Department benefits from this final-form rulemaking by having the needed additional revenue to cover the costs of the programs mandated by the RPA, and the general public will benefit from this final-form rulemaking by the continued safety with the use of radioactive materials, the safety of radiation-producing machines and additional quality assurance that will be provided.

Compliance costs

The cost of compliance with the fee amendments for the Accelerator, Radiation-Producing Machines, and Vendors/Service Providers program area are increased by 30% to provide sufficient revenue through FY 2027-2028. The cost of compliance with the fee amendments for the Radioactive Materials and Decommissioning program area are increased by 10% for licensing and 22% for the full cost recovery fee to ensure sufficient funding through FY 2027-2028. Considering increases in inflation since the last time these fee categories were increased (2009 for the Accelerator, Radiation-Producing Machines, and Vendors/Service Providers program area and 2017 for the Radioactive Materials and Decommissioning program area), the cost of compliance is increased in line with inflation rates.

Compliance assistance plan

The Department will notify the regulated community of the increased fees by informing RPAC, issuing an Information Notice to relevant licensees and publishing notification in the *Pennsylvania Bulletin*.

Paperwork requirements

This final-form rulemaking does not require additional recordkeeping or reporting requirements as a result of the fee increases in Chapter 218.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This final-form rulemaking is designed to support the safe and effective use of licensed radioactive materials and radiation-producing machines to protect the health and safety of residents, workers and the environment in this Commonwealth. By increasing fees to keep the Radiation Protection Fund solvent in the coming years, this final-form rulemaking ensures the Department's ability to implement radiological pollution prevention.

I. Sunset Review

The Board is not establishing a sunset date for this final-form rulemaking because it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (RRA) (71 P.S. § 745.5(a)), on August 10, 2022, the Department submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 5500 (August 27, 2022), and a copy of an RAF to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the RRA (71 P.S. § 745.5a(j.2)), on May 17, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the RRA, IRRC met on May 18, 2023, and approved this final-form rulemaking.

K. Findings of the Board

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 5500.

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

L. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapter 218, are amended by amending § 218.11 and Chapter 218, Appendix A to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

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

(e) This final-form rulemaking shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

RICHARD NEGRIN,
Acting Chairperson

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

Fiscal Note: Fiscal Note 7-574 remains valid for the final adoption of the subject regulations.

Annex A

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

**Subpart D. ENVIRONMENTAL HEALTH AND
SAFETY**

ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 218. FEES

PAYMENT OF FEES

§ 218.11. Registration, renewal of registration and license fees.

(a) Annual registration fees for radiation-producing machines are the sum of an annual administrative fee and an annual fee for each X-ray tube or radiation generating device and shall be paid as follows:

<i>Type Facility</i>	<i>Annual Administrative Fee</i>	<i>Annual Fee per X-ray Tube or Radiation Generating Device</i>
Chiropractors, dentists, podiatrists, veterinarians	\$130	\$65
Hospitals	\$940	\$65
Other Facilities	\$455	\$65

* * * * *

(d) Particle accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Annual fees are as follows:

(1) Accelerators, below 50 MeV, other than for ion implantation—\$2,730 for the first accelerator at the facility plus \$910 for each additional unit at that facility.

(2) Accelerators used for ion implantation—\$910 plus \$90 for each additional unit at the same facility.

(3) Accelerators 50 MeV and above—full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is \$195 per hour). For the purpose of anticipating costs and compliance with subsections (e) and (f), a minimum annual fee of \$2,730 for the first accelerator at the facility plus \$910 for each additional unit is established. Additional invoices will be issued by the Department at regular intervals at least quarterly when net costs are incurred above the minimum annual fee.

* * * * *

(i) Electronic brachytherapy devices are licensed under Chapter 221 (relating to X-rays in the healing arts). The annual fee is \$1,300 for the first unit (controller) at the facility plus \$130 for each additional unit at that facility.

(j) Emerging technology devices require Department safety review and approval prior to use. The registrant shall pay a fee equal to the full cost of Department staff time, as specified in Appendix A, for the review and approval process.

(k) A radiation-producing machine service provider shall pay an annual registration fee of \$180.

(l) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

APPENDIX A

Fees for Radioactive Material Licenses

<i>Fee Category^{5,6}</i>	<i>Description</i>	<i>Annual Fee (\$) ^{1,2,3,4,7}</i>
1C	Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)	3,465
1D	Special Nuclear Material—Other	9,570
2A(2)(c)	Source Material—Metal Extraction	49,610
2A5	Removal of Radioactive Contaminants from Drinking Water	18,480
2B	Source Material as Shielding	1,240
2C	Source Material—Other (not 11e2)	22,110
3A	Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33	48,015
3B	Manufacturing, Refurbishing & Distribution Commercial Specific License—10 CFR 30	13,695
3C	Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74	19,635
3D	Pharmaceuticals—Distribution Only—10 CFR 32.7x	11,220
3E	Irradiator—Shielded Source	6,930
3F	Irradiator—Unshielded < 10kCi	12,870
3G	Irradiator—Unshielded >= 10kCi	51,480
3I	Distribution As Exempt—No Review of Device	17,655
3J	Distribution—SSD Devices to Part 31 GLs	4,125
3K	Distribution—No Review-Exempt Sealed Source	3,135
3L	Research & Development Broad Scope	24,915

<i>Fee Category</i> ^{5,6}	<i>Description</i>	<i>Annual Fee (\$)</i> ^{1,2,3,4,7}
3M	Research & Development	9,240
3N	Services other than Leak Testing, Waste Disposal or Calibration	14,025
3O	Radiography	23,265
3P	Other Byproduct Material	4,455
3Q	Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	530
3R1	Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits	3,465
3R2	Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)	4,455
3S	Manufacturing & Distribution Pharmaceuticals—Accelerator Produced Only	19,470
4A	Waste Storage, Processing or Disposal	Full Cost *
4B	Waste Packaging or Repackaging	19,800
4C	Waste Receipt of Prepackaged for Disposal	15,180
5A	Well Logging & Non Field Flood Tracers	7,260
5B	Well Logging Field Flood Tracer Studies	Full Cost *
6A	Nuclear Laundry	43,200
7A	Human Use—Teletherapy	22,605
7B	Human Use—Broad Scope (except Teletherapy)	39,875
7C	Human Use (except Teletherapy)	8,085
8A	Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	3,465
14	Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *
16	Reciprocity (180 days/year)	2,475
SB1 ⁵	Small Business—Category 1	3,795
SB2 ⁶	Small Business—Category 2	825

¹ A license may include as many as four noncontiguous sites at the base fee. Sites that are within 5 miles of the main radiation safety office where the license records are kept will be considered contiguous. An additional fee of 25% of the base fee will be added for each noncontiguous site above four.

² All fees will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. Existing NARM licenses will be changed to the corresponding category of byproduct material license in Appendix A upon publication of the final rule.

³ Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = (NRC Annual Fee + 0.10 NRC Application or Renewal fee).

⁴ Annual fees charged to holders of transferred NRC licenses with multiple sites will not exceed the fees charged by the NRC for the same licenses that are in effect in the year of transfer, provided the number of noncontiguous sites does not increase.

⁵ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Manufacturing Entities that have an average of 35–500 employees with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Small Government Jurisdictions (including publicly supported, nonmedical educational institutions) with a population between 20,000 and 50,000; and nonmedical Educational Institutions that are not State or publicly supported and have 35–500 employees.

⁶ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of less than \$350,000; Manufacturing Entities that have an average of less than 35 employees and less than \$350,000 in Gross Annual Receipts; Small Government Jurisdictions (including publicly supported nonmedical educational institutions) with a population less than 20,000; and nonmedical Educational Institutions that are not State or publicly supported and have less than 35 employees.

⁷ Full cost recovery licensees and licensees required to provide financial assurance for decommissioning are not eligible for reduced fees under category SB1 or SB2.

*Full cost recovery consists of a professional fee, to cover the activities and support of Department personnel, and any other additional incidental charges incurred, such as related contracted services or laboratory costs. The professional fee component (Hourly Rate) is \$275 per hour. Other costs are recovered at 100% of actual cost. Invoices shall be issued by the Department at regular intervals but at least quarterly when net costs are incurred.

[Pa.B. Doc. No. 23-815. Filed for public inspection June 23, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 13, 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>
06-09-2023	CPV Republic Investment, LLC New York New York County, NY	Approved
	Application for approval to purchase or otherwise acquire more than 10% of the shares of a class of newly-created nonvoting preferred stock of Republic First Bancorp, Inc., Philadelphia, PA, a company that controls Republic First Bank, Philadelphia, PA.	

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-05-2023	Elderton State Bank Elderton Armstrong County	<i>To:</i> 601 West Main Street Rural Valley Armstrong County <i>From:</i> 710 North Water Street Rural Valley Armstrong County	Effective

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Interim Acting Secretary

[Pa.B. Doc. No. 23-816. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Governor's Advisory Council for Hunting, Fishing and Conservation Public Meeting

The Governor's Advisory Council for Hunting, Fishing and Conservation to the Department of Conservation and Natural Resources (Department) will hold a public meeting on June 27, 2023, at 1 p.m. at Bald Eagle State Park, Classroom 149, Main Park Road, Howard, PA 16841. The public meeting may also be attended by means of Microsoft Teams through a link provided by request to deeberly@pa.gov.

Questions concerning this public meeting or agenda items can be directed to Derek Eberly at (717) 317-0028. Public comments will be accepted and should be submitted 24 hours in advance to deeberly@pa.gov.

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

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 23-817. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD060075	Chapter 102 Individual NPDES Permit	Transfer	2000 Perkiomen Ave LLC 503 Hanley Lane Downingtown, PA 19335	Robeson Township Berks County	SCRO
0623804	Joint DEP/PFBC Pesticides Permit	New	Markovich Jane 369 Donne Road Hamburg, PA 19526-8108	Windsor Township Berks County	SCRO
0813810	Joint DEP/PFBC Pesticides Permit	Renewal	Tim Leonard Rod & Gun Club 301 N Lake Road Columbia Cross Roads, PA 16914-9406	Springfield Township Bradford County	NCRO
0914820	Joint DEP/PFBC Pesticides Permit	Renewal	Delancey Court of Newtown 975 Easton Road Suite 102 Warrington, PA 18976-1858	Newtown Township Bucks County	SERO
1023815	Joint DEP/PFBC Pesticides Permit	New	Thomas McKay 115 Wiegand Drive Cranberry Township, PA 16066-3007	Cranberry Township Butler County	NWRO
1023817	Joint DEP/PFBC Pesticides Permit	New	Karen Vecchi 415 Edgewood Drive Sarver, PA 16055-9266	Buffalo Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2019812	Joint DEP/PFBC Pesticides Permit	Amendment	Bob Joyce 15319 Windfall Road Titusville, PA 16354	Oil Creek Township Crawford County	NWRO
2023802	Joint DEP/PFBC Pesticides Permit	New	Ralf Gross 41377 Magee Road Centerville, PA 16404	Rome Township Crawford County	NWRO
2513818	Joint DEP/PFBC Pesticides Permit	Renewal	Union City Borough Municipal Authority Erie County 29 S Main Street Union City, PA 16438-1331	Union City Borough Erie County	NWRO
3513817	Joint DEP/PFBC Pesticides Permit	Renewal	Cravath Amy 529 Lower Mill City Road Dalton, PA 18414	West Abington Township Lackawanna County	NERO
3723801	Joint DEP/PFBC Pesticides Permit	New	Travis Hohmann 824 Gerber Road Slippery Rock, PA 16057-6002	Plain Grove Township Lawrence County	NWRO
3913812A-1	Joint DEP/PFBC Pesticides Permit	Renewal	North Whitehall Township Lehigh County 3256 Levans Road Coplay, PA 18037-2118	North Whitehall Township Lehigh County	NERO
3918802 A-3	Joint DEP/PFBC Pesticides Permit	Amendment	Lynn Township Lehigh County 7344 King's Highway New Tripoli, PA 18066	Lynn Township Lehigh County	NERO
4523801	Joint DEP/PFBC Pesticides Permit	New	Rinschler Bruce 134 Kings Pond Road East Stroudsburg, PA 18301-7753	Smithfield Township Monroe County	NERO
4613860	Joint DEP/PFBC Pesticides Permit	Renewal	Woodbridge Meadows Assoc 5 Mill Race Spring House, PA 19477-1103	Lower Gwynedd Township Montgomery County	SERO
4623805	Joint DEP/PFBC Pesticides Permit	New	Mell Jessica 2484 Stinson Lane Norrstown, PA 19403-3627	West Norriton Township Montgomery County	SERO
1194401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	West Branch Sewer Authority Cambria County 901 Maple Avenue Suite 2 Northern Cambria, PA 15714-1331	Susquehanna Township Cambria County	SWRO
PAG032292	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	EFS Inc. Ed Spencer Auto Parts 350 Salem Boulevard Berwick, PA 18603-6462	Salem Township Luzerne County	NERO
PAG032406	PAG-03 NPDES General Permit for Industrial Stormwater	New	Freedom Corrugated LLC 595 Oak Ridge Road Hazle Township, PA 18202-9362	Hazle Township Luzerne County	NERO
PAG033597	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Edsal Sandusky Corp 80 Keystone Street Littlestown, PA 17340-1664	Littlestown Borough Adams County	SCRO
PAG034012	PAG-03 NPDES General Permit for Industrial Stormwater	New	Agsalt Proc 3740 Hanover Road Gettysburg, PA 17325-7971	Mount Pleasant Township Adams County	SCRO
PAG034013	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Mark S & Mary Brubacher 110 Garden Spot Road Ephrata, PA 17522-9760	Ephrata Township Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG034014	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Energex American Inc. 95 Energex Drive Mifflintown, PA 17059-7748	Walker Township Juniata County	SCRO
PAG034027	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	1230 Roosevelt Ave LLC 950 Smile Way York, PA 17404-1725	West Manchester Township York County	SCRO
PAG034029	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ritescreen Co. LLC 4314 Route 209 Elizabethville, PA 17023	Washington Township Dauphin County	SCRO
PAG034030	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Waynesboro Real Estate Ventures LLC 360 S Church Street Waynesboro, PA 17268-2610	Waynesboro Borough Franklin County	SCRO
PAG034031	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Fed Metal Co. 500 N 2nd Street Columbia, PA 17512-1132	Columbia Borough Lancaster County	SCRO
PAG034032	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Premier Magnesia LLC P.O. Box 116 1305 Center Mills Road Aspers, PA 17304-0116	Menallen Township Adams County	SCRO
PAG034033	PAG-03 NPDES General Permit for Industrial Stormwater	New	PA Cherry LLC P.O. Box 269 Mercersburg, PA 17236-0269	Montgomery Township Franklin County	SCRO
PAG034034	PAG-03 NPDES General Permit for Industrial Stormwater	New	Starbucks Coffee Co. 3000 Espresso Way York, PA 17406-6035	East Manchester Township York County	SCRO
PAG034045	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Michael Foods Egg Products 68 Spain Road Klingerstown, PA 17941-9656	Lykens Township Dauphin County	SCRO
PAG035033	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Rovendale Supply 1050 Susquehanna Trail Watsontown, PA 17777-8107	Delaware Township Northumberland County	NCRO
PAG036124	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Keywell Metals LLC 1035 Commercial Drive Matthews, NC 28104-5001	West Mifflin Borough Allegheny County	SWRO
PAG036151	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Superior Mulch LLC P.O. Box 201 Connellsville, PA 15425-0201	Connellsville Township Fayette County	SWRO
PAG036188	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Trulite Glass & Aluminum Solutions 100 Business Center Drive Cheswick, PA 15024-1069	Harmar Township Allegheny County	SWRO
PAG036205	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	GFL PA LLC 1184 McClellandtown Road McClellandtown, PA 15458-1118	German Township Fayette County	SWRO
PAG036537	PAG-03 NPDES General Permit for Industrial Stormwater	New	YRC Inc. dba YRC Freight 11500 Outlook Street Suite 400 Leawood, KS 66211-1804	Stowe Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036539	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Interstate Chemicals Co. Inc. 725 State Street Rt 68 Vanport, PA 15009-9504	Vanport Township Beaver County	SWRO
PAG038407	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Hoeganaes Corp 224 River Road Ridgway, PA 15853-2138	Ridgway Township Elk County	NWRO
PAG038478	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	JSP International 150 Eastbrook Lane Butler, PA 16002-1024	Summit Township Butler County	NWRO
PAG038486	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Vesuvius Penn Corp 915 Clyde Street Wampum, PA 16157-4403	Wampum Borough Lawrence County	NWRO
PAG038495	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Rolling Frito Lay Sales LP 23 Beethoven Street Binghamton, NY 13905-4250	Cranberry Township Butler County	NWRO
PAR602242	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	EFS Inc. Ed Spencer Auto Parts 350 Salem Boulevard Berwick, PA 18603-6462	Salem Township Luzerne County	NERO
PAG123814	PAG-12 NPDES General Permit for CAFOs	Transfer	We Kings Farm LLC 6028 Guinter Road Greencastle, PA 17225	Antrim Township Franklin County	SCRO
2017401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Moats David M 19304 Cole Road Conneautville, PA 16406-4040	Conneaut Township Crawford County	NWRO
2212403	Single Residence Sewage Treatment Plant Individual WQM Permit	Amendment	Capital Region Water 3003 N Front Street Harrisburg, PA 17110-1224	Harrisburg City Dauphin County	SCRO
2523417	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Alan & Elaine Hemstreet 9089 Griffey Road Albion, PA 16401-7905	Conneaut Township Erie County	NWRO
3123401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Rhodes Kenneth A Jr 150 Mink Hollow Road Coasterville, PA 19320	Lincoln Township Huntingdon County	SCRO
3723406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Bowman Steven 1211 Blue Sky Drive New Castle, PA 16105-4741	Neshannock Township Lawrence County	NWRO

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.

Northwest Regional Office

PA0033588, Sewage, SIC Code 6515, **Country Estates MHP, LLC**, 378 Red Bank Road, Mifflinburg, PA 17844-6801. Facility Name: Country Estates MHP. This existing facility is located in Jefferson Township, **Mercer County**.

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

The receiving stream, an Unnamed Tributary to the Lackawannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 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
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
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	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is disposed of at an approved landfill.

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265799, Sewage, SIC Code 4952, 8800, **Randall W Spence**, 1136 Bugtown Road, Titusville, PA 16354. Facility Name: Randall W Spence SRSTP. This existing facility is located in Southwest Township, **Warren County**.

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

The receiving stream is an Unnamed tributary to Pine Creek, located in State Water Plan watershed 16-E and 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 .0004 MGD.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265811, Sewage, SIC Code 4952, 8800, **Tessa Pudina**, 137 Swamp Run Road, Butler, PA 16001-0729. Facility Name: Tessa Pudina SRSTP. This existing facility is located in Center Township, **Butler County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage and transfer of the permit from Bonnie Hayes to Tessa Pudina.

The receiving stream is Swamp Run, located in State Water Plan watershed 20-C and is classified for High Quality Waters—Cold Water 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 .0004 MGD.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0271357, Sewage, SIC Code 4952, 8800, **Roger Sedor**, 14368 Route 19, Cambridge Springs, PA 16403. Facility Name: Roger Sedor SRSTP. This existing facility is located in Le Boeuf Township, **Erie County**.

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

The receiving stream is an Unnamed Tributary to French Creek, located in State Water Plan watershed 16-A and classified for Warm Water 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 .0004 MGD.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0271713, Sewage, SIC Code 4952, 8800, **Beth Black**, 1903 Cable Hollow Road, Russell, PA 16345-5029. Facility Name: Beth Black SRSTP. This existing facility is located in Pine Grove Township, **Warren County**.

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

The receiving stream(s), North Branch Akeley Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0271799, Sewage, SIC Code 8800, **Hofmeister Randy**, 596 Allison Road, Seneca, PA 16346-3016. Facility Name: Randy Hofmeister SRSTP. This existing facility is located in Cranberry Township, **Venango County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP sewage. This application also transfers ownership of the facility from Mari Swart to Randy Hofmeister.

The receiving stream(s), Sage Run (CWF), is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	Report	Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0293261, Sewage, SIC Code 8800, **Ryan Ziegler**, 8660 Baron Road, McKean, PA 16426-1155. Facility Name: Ryan Ziegler SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .00075 MGD.—Limits.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0293296, Sewage, SIC Code 8800, **Douglas & Stacey Buettner**, 3079 Hannon Road, Erie, PA 16510-4445. Facility Name: Douglas & Stacey Buettner SRSTP. This proposed facility is located in Harborcreek Township, **Erie County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					

<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>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0050598, Sewage, SIC Code 4952, **Bethel Baptist Church**, 754 East Rockhill Road, Sellersville, PA 18960. Facility Name: Bethel Baptist Church STP. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Tohickon Creek (TSF, MF), is located in State Water Plan watershed 2-D 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 0.0075 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0075 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	10	XXX	20
Ammonia-Nitrogen	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1

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

- No stormwater into sanitary sewers
- Proper disposal of collected screenings, slurries, sludges and other solids
- Permittee shall optimize chlorine used for disinfection to minimize TRC in effluent
- Notification of designation of responsible operator
- Permittee shall develop Operation and Maintenance (O & M) Plan
- Seasonal effluent limits for Fecal Coliform based on DRBC Regulations

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0051306, Sewage, SIC Code 7032, **Camp Green Lane/Green Lane Operating Company**, 249 Camp Green Lane Road, Green Lane, PA 18054-2306. Facility Name: Camp Green Lane STP. This existing facility is located in Salford Township, **Montgomery County**.

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

The receiving stream, Ridge Valley Creek (HQ-TSF), is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .042 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

The proposed effluent limits for Outfall 001 are based on a design flow of .042 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
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	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ⁵)	XXX	XXX	XXX	25	XXX	50
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	8.0	XXX	16
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

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

- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP When Municipal Sewers Available
- Chlorine Optimization
- Operator Notification
- Fecal Coliform Reporting
- Seeding of Aeration Tank
- Solids Management

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0244252, Industrial, SIC Code 3089, **Southco Inc.**, 210 North Brinton Lake Road, Concordville, PA 19331. Facility Name: Southco Concordville Facility. This existing facility is located in Concord Township, **Delaware 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, Unnamed Tributary to West Branch Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G 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 an average stormwater flow.—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>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of .00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 201 are based on a design flow of .00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 301 are based on a design flow of .00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 401 are based on a design flow of .00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 501 are based on a design flow of .00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 601 are based on a design flow of .00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

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

- Acquire Necessary Property Rights
- Proper Sludge Disposal
- WQM Permits
- BAT/ELG Reopener
- Small Stream Discharge
- No Priority Pollutants
- Chemical Additive Requirement
- Stormwater Condition

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0001236, Industrial, SIC Code 3613, **Eaton Corporation**, 1 Tuscarawas Road, Beaver, PA 15009-1720. Facility Name: Eaton Corporation Beaver Plant. This existing facility is located in Vanport Township, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste and storm water associated with industrial activities.

The receiving streams, Twomile Run (WWF) and the Ohio River (WWF), are located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 302 are based on a design flow of 0.016 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	31.0	62.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Mercury, Total (ug/L)	XXX	XXX	XXX	0.012	0.019	0.03
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Avg Qrtly XXX	Report	XXX

The proposed effluent limits for Outfall 003 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.0000144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) Jun 1 - Sep 30	XXX	XXX	XXX	XXX	110	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are for variable storm water discharges.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are for variable storm water discharges.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

Outfall 002 is authorized to discharge wastewaters monitored at Internal Monitoring Point 302.

In addition, the permit contains the following major special conditions: requirements for chemical additives and requirements for discharges of storm water associated with industrial activities.

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

The EPA Waiver is in effect.

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

Northeast Regional Office

Applicant: **Pennsylvania-American Water Company**

Applicant Address: 852 Wesley Drive, Mechanicsburg, PA 17055-4436

Application Number: **PAD350036**

Application Type: New

Municipality/County: City of Scranton, **Lackawanna County**

Total Earth Disturbance Area (acres): 5.35 acres

Surface Waters Receiving Stormwater Discharges: Lackawanna River (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 office building, new building additions, additional parking stalls, and associated stormwater management facilities.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **CarMax Auto Superstore Inc., Brad Lauth**

Applicant Address: 1626 Cole Blvd., Suite 125, Nazareth, PA 18064

Application Number: **PAD480006**

Application Type: Renewal

Municipality/County: Lower Nazareth Township, **Northampton County**

Total Earth Disturbance Area (acres): 27.08 acres

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

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

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

Project Description: The project involves the construction of a new office building, new building additions, additional parking stalls, and associated stormwater management facilities.

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: **Applebrook Golf Club**

Applicant Address: 100 Line Road, Malvern, PA 19355-3318

Application Number: **PAD150299**

Application Type: New

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

Total Earth Disturbance Area (acres): 1.46 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 applicant is proposing to construct a new administration/maintenance/equipment storage building as well as an additional storage building. In addition to these building improvements, the applicant is proposing a driveway, parking area and concrete improvements. Access to the Turf Maintenance Area is taken from Hibberd Lane.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Lane Enterprises Inc.**

Applicant Address: 34 Strohm Road, Shippensburg, PA 17257

Application Number: **PAD210094**

Application Type: New

Municipality/County: Southampton Township, **Cumberland County**

Total Earth Disturbance Area (acres): 9.6 Acres

Surface Waters Receiving Stormwater Discharges: Yellow Breeches 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: Construction of a gravel lay down yard and infiltration basins

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Spring Run Dairy**

Applicant Address: 6790 Ferguson Valley Road, McVeytown, PA 17051

Application Number: **PAD440022**

Application Type: New

Municipality/County: Oliver Township, **Mifflin County**

Total Earth Disturbance Area (acres): 5.49 acres

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

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

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

Project Description: Construct new free stall barn on an existing dairy farm

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Dauphin County Commissioners**

Applicant Address: 2 S. Second Street, 4th Floor, Harrisburg, PA 17101

Application Number: **PAD220012**

Application Type: New

Municipality/County: Middle Paxton Township, **Cumberland County**

Total Earth Disturbance Area (acres): 12.25 acres

Surface Waters Receiving Stormwater Discharges: UNTs to Clark Creek (HQ-CWF, MF) & Clark 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: Proposed improvements to park entrance including picnic pavilion kiosk, restrooms, walking paths, access drive, paved and turf parking lots, and associated PCSM BMPs.

Special Conditions: Wetland Monitoring

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

Northeast Regional Office

Applicant: **Michael C. Tuskes**

Applicant Address: 4511 Falmer Drive, Bethlehem, PA 18020

Application Number: **PAD480044**

Application Type: Renewal

Municipality/County: Upper Nazareth Township, **Northampton County**

Total Earth Disturbance Area (acres): 56.10 acres

Surface Waters Receiving Stormwater Discharges: Monocacy 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: Currently, the Eagles Landing project has all proposed improvements constructed except for the development of Lot 12 and stabilization on Lot 10

Special Conditions: N/A

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

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>
Joe Jurgielewicz & Son Ltd.— Sunbury Farm 1016 Plum Creek Road Sunbury, PA 17801	Northumberland County	86.07	109.10	Ducks	NA	Renewal
Courter's Finishing Farm— Philip D. Courter 6527 Jacksonville Road Mill Hall, PA 17751	Clinton County	258	1,034.55	Finishing Swine and Beef	HQ	Renewal
Dream Farms 13689 Dream Highway Newburg, PA 17240	Franklin County	253.1	2,562.31	Heifers	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 *Pennsyl-*

vania 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).

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. 3623520, Construction, Public Water Supply.

Applicant **Chester County Solid Waste Authority**
 Address 7224 Division Highway
 Navron, PA 17555
 Municipality Caernarvon Township
 County **Lancaster County**
 Responsible Official Robert A. Watts
 Executive Director
 7224 Division Highway
 Navron, PA 17555
 Consulting Engineer Charles A. Kehew, II, P.E.
 James R. Holley & Associates
 18 South George St
 Suite 300
 York, PA 17401
 Application Received May 25, 2023
 Description This application is for the installation of a reverse osmosis system for the treatment of arsenic.

Municipality Dunkard Township
 County **Greene County**
 Responsible Official Jerry Dorsey
 Board Chairman
 2790 South Eighty-Eight Road
 Dilliner, PA 15327
 Application Received June 1, 2023
 Description Transfer of East Dunkard Water Association permits to East Dunkard Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 1**

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

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

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

MINOR AMENDMENT

Application(s) Received Under the Pennsylvania Safe Drinking Water Act.

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

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

Application No. 3023504MA, Construction, Minor Amendment, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 Address P.O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 Municipality Cumberland Township
 County **Greene County**
 Responsible Official Timothy C. Faddis, Manager
 P.O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Application Received June 2, 2023
 Description Addition of algacide at the raw water intake.

Application No. 3023503-T1, Transfer, Minor Amendment, Public Water Supply.

Applicant **East Dunkard Water Authority**
 Address 2790 South Eighty-Eight Road
 Dilliner, PA 15327

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.

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

Contact: Chris, 724-598-2206.

Former Service Station Site, Primary Facility ID # **867180**, SW Corner of Spring Ave & 5th St, Ellwood City, PA 16117, Ellwood City Borough, **Lawrence County**. RT Environmental Service, Inc., 2001 Waterdam Plaza Dr, Suite 205, Canonsburg, PA 15317 on behalf of Fifth & Spring, LLC, 213 Paradise Dr, Ellwood City, PA 16117, submitted a Notice of Intent to Remediate. The Site was historically used as a gasoline filling station from at least 1946 to the mid-1970s. The Site has been used as a parking lot from the mid-1970s to 2022. Petroleum impacted soil and groundwater have been identified on the Site. Soil and groundwater investigations conducted at the Site show volatile organic compounds and lead at concentrations exceeding their respective nonresidential Statewide health standards. The Site is planned for commercial redevelopment into a Dunkin restaurant. The Notice of Intent to Remediate was published in *Beaver County Times, Ellwood City Ledger* on May 23, 2023. Application received: 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.

140 Rothsville Station Road, Primary Facility ID # **867007**, 140 Rothsville Station Road, Lititz, PA 17543, Warwick Township, **Lancaster County**. Element Environmental Solutions, Inc., P.O. Box 921, Adamstown, PA 19501 on behalf of Cedar Run Construction, 143 Rothsville Station Road, Lititz, PA 17543, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide Health Standard. Future use of the site will be both residential and nonresidential. The Notice of Intent to Remediate was published in *LNP Media Group, Inc.* on May 25, 2023. Application received: May 23, 2023.

Pennsylvania American Water, Primary Facility ID # **867236**, 920 Mountain Home Road, Sinking Spring, PA 19608, Spring Township, **Berks County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Pennsylvania American Water, 852 Wesley Drive, Mechanicsburg, PA 17055, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil & groundwater contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health standard. Future use of the site will continue to be nonresidential. The Notice of Intent to Remediate was published in *Reading Eagle* on May 19, 2023. Application received: May 30, 2023.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGM044SW005. Beechcreek Demolitions and Environmental Solutions LLC, 195 Lantz Lane, Utica, PA 16362, Penn Hills Township, **Allegheny County**. An application for a Determination of Applicability for coverage under Municipal Waste General Permit No. WMGM044 for the processing and beneficial use of waste materials identified in WMGM044 at the Beechcreek Transfer Station, located at 234 Lott Road, Pittsburgh, PA 15235. Application received: May 24, 2023. Deemed administratively complete: June 8, 2023.

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

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.

WMGR082SW005, Iron Mountain US, LLC, 701 West Main Street, Suite 3, Mt. Pleasant, PA 15666, Dunbar Township, **Fayette County**. A Determination of Applicability for coverage under Residual Waste General Permit No. WMGR082 for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag as a construction material at 585 Leisenring Vanderbilt Road, Vanderbilt, PA 15486. Application received: May 8, 2023. Deemed administratively complete: June 8, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be sub-

mitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

WMGR150SW001, Altoona Water Authority, 900 Chestnut Avenue, Altoona, PA 16601, Reade Township, **Cambria County**. A Determination of Applicability for coverage under Residual Waste General Permit No. WMGR150 for the beneficial use of dewatered freshwater dredged material as a soil additive or soil substitute for mine reclamation projects at the PA State Game Lands No. 108/No. 158 Beneficial Reuse Sites located in Blandburg, PA. Application received: May 22, 2023. Deemed administratively complete: June 9, 2023.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

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

101537. Waste Management of Pennsylvania, Inc., 1725 Brookside Road, Macungie, PA 18062, Lower Macungie Township, **Lehigh County**. A permit reissuance application to transfer the Hinkle Transfer Station permit from Hinkle Transfer Station, LLC to Waste Management of Pennsylvania, Inc. Application received: April 21, 2023. Deemed administratively complete: May 31, 2023.

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

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

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

300725. Aqua Pennsylvania, Inc., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402, Middletown Township, **Bucks County**. This major permit modification application is related to the design and construction of Monofill—Cell 3 to continue disposal of water treatment plant residuals at Neshaminy Falls Residual Waste Landfill, a captive Class III residual waste landfill, located at 2520 West Lincoln Highway, Oakford, PA, Middletown Township, Bucks County. Application received: May 3, 2023. Deemed administratively complete: May 17, 2023.

Comments or questions concerning the application should be directed to Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMIT@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State

Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

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

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.

36-03224A: Miller Fiberglass, LLC, 905 Strasburg Pike, Strasburg, PA 17579, Strasburg Township, **Lancaster County**. Application received: April 6, 2023. For the construction of a custom fiberglass and plastic products manufacturing operation. The expected emissions from this project are as follows: 3.36 tpy of VOC, 0.1 tpy of PM, 4.47 tpy of Total HAP's and 2.31 tpy of a Single HAP (Styrene). The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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.

09-0152G: Gelest Inc., 11 East Steel Road, Morrisville, PA 19067, Falls Township, **Bucks County**. Application received: January 11, 2023. This action is for the installation and operation of ten (10) reactor vessels and one (1) filter dryer at their facility in Falls Township, Bucks County. This plan approval is for a specialty chemical manufacturing facility. Sources consist of Two (2) 500-gallon reactors, two (2) 200-gallon reactors, Two (2) 1,000-gallon reactors, One (1) 100-gallon reactor, Three (3) 2,000-gallon reactors, and One (1) 1,000-gallon filter dryer. The primary pollutants of concern are Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAP); HAP emissions are estimated to be: 1.74 tpy, and

VOC emissions are estimated to be 4.92 tpy. The plan approval 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.

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.

04-00741: ETC Northeast Field Services, LLC, 6051 Wallace Road Ext., Ste. 300, Wexford, PA 15090, New Sewickley Township, **Beaver County**. Application received: December 19, 2022.

Notice of Proposed Revision to the State Implementation Plan for Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 04-00741.

Approval of a Title V Operating Permit Modification and Reasonably Available Control Technology (RACT III) plan for ETC Northeast Field Services, LLC located in New Sewickley Township, Beaver County.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a modified Title V operating permit (TV-04-00741) to ETC Northeast Field Services, LLC to incorporate RACT III requirements.

The following sources at this facility are addressed in this RACT III proposal:

- Sources 101—108, eight (8) 1,775-BHP Caterpillar G3606 lean-burn stationary internal combustion engines each controlled by a DCL America 4DC1T (or equivalent) oxidation catalyst.
- Sources 151 and 152, two (2) 992-BHP Caterpillar C18 diesel-fired emergency generators.
- Source 201, Heaters/Reboilers, consisting of two (2) 1.5 MMBtu/hr reboilers.
- Source 301, Condensate Tanks, consisting of seven (7) 400-bbl condensate storage tanks controlled by a vapor recovery unit (VRU) with two (2) 18.4 MMBtu/hr Aereon AB-200 combustors as a backup control.
- Source 301A, Tanks/Vessels, consisting of one (1) 400-bbl produced water tank; one (1) 25-bbl waste oil tank; sixteen (16) 12-bbl oil tanks; one (1) 24-bbl TEG storage tank; and four (4) 12-bbl methanol tanks. Storage tank sizes range from 275-gallon capacities to 16,800-gallon capacities.
- Source 302, Liquids Loading Operations Venting, controlled by a vapor recovery unit (VRU) with two (2) 18.4 MMBtu/hr Aereon AB-200 combustors as a backup control.
- Source 401, one (1) 100.0 MMscfd Frederick Logan dehydration unit controlled by a 7.5 MMBtu/hr thermal oxidizer.
- Source 402, one (1) 60.0 MMscfd Frederick Logan dehydration unit controlled by a 7.5 MMBtu/hr thermal oxidizer.

- Source 403, one (1) 60.0 MMscfd Enerflex Dew Point Control Unit controlled by an 18.4 MMBtu/hr Aereon Enclosed Combustor.

- Source 501, Pneumatic Devices (Compressed Air-Driven).

- Source 601, Venting/Blowdowns, consisting of rod packing leaks controlled by an 18.4 MMBtu/hr Aereon enclosed combustor; main compressor blowdowns, flash gas compressor blowdowns, and compressor startups controlled by a 139 MMBtu/hr Flare Industries Air-Assisted flare; existing stabilizer flash gas compressor downtime; new dew point control flash gas compressor downtime controlled by an 18.4 MMBtu/hr Aereon enclosed combustor; and vessel blowdowns.

- Source 602, crankcase vents.

- Source 701, fugitive emission sources.

- Source 801, pigging operations controlled by a 139 MMBtu/hr Flare Industries Air-Assisted flare.

The facility has potential emissions of 84.7 TPY NO_x; 43.8 TPY CO; 75.3 TPY VOC; 0.4 TPY SO_x; 5.5 TPY PM₁₀; 5.5 TPY PM_{2.5}; 18.7 TPY total HAP; 7.0 TPY single HAP for formaldehyde; and 90,844 TPY for CO₂e. Emission limitations, operating requirements, and work practice standards along with monitoring, recordkeeping, and reporting requirements have been included in this proposed revision to the Title V operating permit to

ensure that the facility complies with applicable Federal and State air quality regulations.

Furthermore, in accordance with 25 Pa. Code §§ 129.111—129.115, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT III plan and an amendment to the State Implementation Plan (SIP) for the aforementioned facility. The facility is not subject to any RACT III requirements for NO_x.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT III approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT III determination, if finally approved, will be incorporated into a revised operating permit 04-00741 for the facility. The relevant RACT III requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT III determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT III determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT III Requirement</i>	<i>TVOP 04-00741 Condition No.</i>
Source 301	The owner/operator shall install, maintain, and operate the air contamination source in accordance with the manufacturer’s specifications and with good operating practices.	Section D, Source 301, Condition # 002
	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 301, Condition # 001
Source 302	The owner/operator shall install, maintain, and operate the air contamination source in accordance with the manufacturer’s specifications and with good operating practices.	Section D, Source 302, Condition # 002
	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 302, Condition # 001
Source 401	The owner/operator shall install, maintain, and operate the air contamination source in accordance with the manufacturer’s specifications and with good operating practices.	Section D, Source 401, Condition # 002
	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 401, Condition # 001
Source 402	The Owner/Operator shall install, maintain, and operate the source in accordance with the manufacturer’s specifications and with good operating practices.	Section D, Source 402, Condition # 002
	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 402, Condition # 001
Source 601	Emissions of VOCs, HAPs, and methane from rod packing associated with Sources 101—104 shall be routed to an enclosed combustor and shall be reduced by a minimum of 98%.	Section D, Source 601, Condition # 001

<i>Source</i>	<i>RACT III Requirement</i>	<i>TVOP 04-00741 Condition No.</i>
Source 701	The owner/operator shall install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 701, Condition # 002
	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 701, Condition # 001

A public hearing will be held on July 25, 2023, from 9:30 to 10:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be July 18, 2023. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. We ask that you contact Thomas Joseph at 412-442-4336 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 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, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from June 24, 2023 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 RACT III Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to the RACT III Plan or the operating permit modification.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Camarda at 412-442-4203

or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

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

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

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

41-00084, Hamilton Patriot LLC, 50 Patriot Lane, Montgomery, PA 17752, Clinton Township, **Lycoming County**. Application received: November 7, 2022. The Department to issue a renewal Title V Operating Permit for the Hamilton Patriot Generation Plant. The facility is currently operating under Title V Operating Permit 41-00084. The facility's sources include two Siemens SGT6-8000H lean premix DLN natural-gas-fired combustion turbines and steam turbines configured in a single shaft alignment and drive one common electric generator rated approximately 3,096 MMBtu/hr (HHV) (P103) and 3,007 MMBtu/hr (HHV) (P104). Each unit will be equipped with approximately 164 MMBtu/hr (HHV) natural-gas-fired duct burners and heat-recovery-steam-generators. Additionally, there are also one 12.7 MMBtu/hr natural-gas-fired fuel heater, one 1,472 brake-horsepower diesel-fired emergency generator, one 460 brake-horsepower diesel-fired fire water pump, two diesel fuel storage tanks, two 15,000-gallon lube oil storage tanks, and one 15,000-gallon aqueous ammonia storage tank. The facility has potential annual emissions of 170.30 tons of carbon monoxide, 193.90 tons of nitrogen oxides, 25.20 tons of sulfur oxides, 101.70 tons of particulate matter including particulate matter less than 10 microns in size, 101.70 tons of particulate matter less than 2.5 microns in size, 51.60 tons of volatile organic compounds, 13.00 tons of hazardous air pollutants, and 2,803,217 tons of greenhouse gases. Revisions include incorporating applicable RACT III requirements of 25 Pa. Code §§ 129.111—129.115 and incorporating the terms and conditions of Plan Approval 41-00084C. Each turbine at the facility is subject to the presumptive RACT III emission limitations of ≤ 4 ppmvd at 15% O₂ for NO_x and ≤ 2 ppmvd at 15% O₂ for VOCs (as propane) (§ 129.112(g)(2)(iii)(A&B)). Each turbine at the facility is already subject to a NO_x emission limit of 2.0 ppmvd at 15% O₂ and a VOC limit of 0.7 (without duct burner) and 1.2 (with duct burner) ppmvd at 15% O₂ established through best available technology in Plan Approval 41-00084C. Compliance with these emission limitations assures compliance with the presumptive RACT III emission limitations. The emission limits, throughput limitations and work practice standards along with testing,

monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 60 Subparts IIII and KKKK; 40 CFR Part 63 Subpart ZZZZ; and 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

41-00084, Hamilton Patriot LLC, 50 Patriot Lane, Montgomery, PA 17752, Clinton Township, **Lycoming County**. Application received: November 7, 2022. The Department intends to issue a renewal of the Acid Rain Permit, TIVOP 41-00084, for the Hamilton Patriot Generation Plant. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Clean Air Act. The application is subject to the regulatory requirements specified in 40 CFR Part 72. The Acid Rain Permit will cover the two (2) combined cycle combustion turbine units at the facility. The Acid Rain Permit incorporates the applicable requirements to the units, as specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72–80. The SO₂ allowance allocated by the Acid Rain Program pursuant to 40 CFR Part 73 for this facility is zero. The Title IV permit includes special permit conditions for the allowance tracking system. The units are not subject to the NO_x emission limitations of 40 CFR Part 96 since they are only authorized to combust natural gas for operation. Based on the information previously presented and included in the application for the Acid Rain Permit, TIVOP 41-00084, the Department intends to issue TIVOP 41-00084 for the Hamilton Patriot Generation Plant facility. The Acid Rain Permit will be incorporated into the Title V operating permit for the facility. 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. Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify TIVOP 41-00084) and concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

OPERATING PERMITS

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

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

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

17-00053, Nydree Flooring LLC, 115 Vista Park, P.O. Box 289, Forest, VA 24551-0298, Karthaus Township, **Clearfield County**. Application received: August 11, 2022. For the State Only Operating Permit renewal authorization for their wood flooring and other products manufacturing facility. The sources associated with the above are comprised of the following: Source IDs 031 5.1 MMBtu/hr distillate oil fired boiler; 2.49 MMBtu/hr wood-fired boiler; P102 UV finish line/coating operations; P105 building 6 woodworking operations; P106 other wood working equipment; P107 hot glue operation; P109 wood grinder/operation; P110 new monomer impregnation and polymerization operations, P120 hot box, as well as trivial sources such as No. 2 fuel oil storage. The type and quantity of pollutants emitted on a facility-wide potential emissions basis are provided, as follows: 7.9 tons per year (tpy) of PM₁₀ (and PM_{2.5}); 0.3 tpy of SO_x; 8.6 tpy of NO_x; 7.4 tpy of CO; 7.3 tpy of VOC; 1.5 TPY of HAPs; and 5,630 tpy CO₂. There are two (2) new sources added and/or modified over the permit term, by the facility, including Source ID P110 and P120 noted previously. Each one is authorized currently by their own separate RFD application submittal by the facility. The minor sources will continue to be required to keep records and conduct other necessary compliance demonstrations to verify conformance with the previous exemption criteria and other thresholds. Additionally, the existing boilers will continue to be subject to the National Emission Standards for Area Source Boilers as codified in 40 CFR Part 63 Subpart JJJJJ (J6). Moreover, the renewal operating permit authorization incorporates the applicable air quality regulatory requirements to all the existing and new sources as submitted under the facility wide renewal air quality operating permit application, including appropriate testing, monitoring, recordkeeping, reporting, work practice and any other compliance demonstration conditions necessary to verify compliance. The applicable regulatory requirements are derived pursuant to the applicable PA DEP air quality rules and regulations, under 25 Pa. Code Article III, Chapters 121 and 145, relating to Air Resources. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

08-00048, Beaver Dam Energy, LLC, 106 Isabella St., Suite 600, Pittsburgh, PA 15212, Canton Township, **Bradford County**. Application received: February 8, 2023. To issue a State Only Operating Permit for the Beaver Dam Energy electric power generating facility. The facility's main sources include five 6,023 bhp Jenbacher model J624 GS, lean burn, natural gas-fired, engine/generator sets, each equipped with an SCR/catox system, and miscellaneous storage tanks, combustion sources and fugitive emissions. The facility has potential emissions of 35.37 TPY of CO; 18.37 TPY of NO_x;

0.43 TPY of SO_x; 7.07 TPY of PM/PM₁₀; 22.39 TPY of VOCs; 8.21 TPY HAPs; 7.45 TPY of formaldehyde; 104,063 TPY GHGs. The five Jenbacher engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145, as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

20-00272, Universal Stainless & Alloy Products, 121 Caldwell Street, Titusville, PA 16354, City of Titusville, **Crawford County**. Application received: July 19, 2022. The Department intends to renew the State-Only Operating Permit for Universal Stainless & Alloy Products for the manufacture of customized, precision-rolled shapes made of materials that include high performance alloys, stainless steel, and tool steel. Permitted sources at the facility include the rolling mill, annealing furnace, dip tank heater, vacuum pumps, grinders, mold cleaning unit, degreasers, miscellaneous natural gas usage, and miscellaneous solvent usage. Potential emissions for the facility are 18.85 tpy NO_x, 11.05 tpy CO, 4.16 tpy VOC, 1.33 tpy PM₁₀, 1.33 tpy PM_{2.5}, 0.10 tpy SO₂, and 0.31 tpy HAPs. The facility is Natural Minor for permitting purposes. 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.

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

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

OP21-000027, Commander Navy Region Mid-Atlantic, 700 Robbins Avenue, Philadelphia, PA 19111, City of Philadelphia, **Philadelphia County**. Application received: July 28, 2021. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Synthetic Minor Operating Permit (SMOP) for the operation of office buildings, laboratories, and a base providing logistics and supply support for the U.S. Navy in the City of Philadelphia, Philadelphia County. The facility's air emission sources include the following: one (1) boiler burning natural gas rated 29.3 MMBtu/hr, two (2) boilers each with low NO_x burner and flue gas recirculation burning natural gas or No. 2 oil each rated 32.66 MMBtu/hr, six (6) boilers burning natural gas each rated 1.633 MMBtu/hr or less, two (2) water heaters burning natural gas rated 0.5 MMBtu/hr and 0.6 MMBtu/hr,

four (4) non-emergency generators firing diesel each rated less than or equal to 168 HP, three (3) emergency generators firing diesel rated 1,006 HP, 805 HP, and 335 HP, two (2) emergency generators firing natural gas rated 162 HP and 530 HP, process equipment including one (1) carpentry shop, one (1) paint booth, and one (1) abrasive blaster, and various insignificant activities including two (2) hot water heaters burning natural gas each rated less than 0.25 MMBtu/hr, one (1) sand blaster, perchloroethylene test equipment for clothing material, and one (1) emergency generator burning natural gas rated 40 HP. As part of the SMOP renewal, AMS is making the following changes: (1) updating fuel type for Boiler # 5 so that Boiler # 5 is permitted to burn natural gas only, (2) decreasing the operating hour limits for the Emergency Generator EG-37 based on updated PTE calculation submitted by the facility to ensure compliance with the Synthetic Minor Nitrogen Oxides (NO_x) emission limit for the facility, (3) adding the 40 CFR 60 Subpart Dc requirements to demonstrate compliance with the opacity standards for the Boilers # 6 and # 7 by conducting opacity test while burning No. 2 oil and submitting a written site-specific monitoring plan for the boilers, and (4) removing the Total Hydrocarbon (THC) limit from 40 CFR 60 Subpart IIII that was incorrectly listed as applicable for Non-emergency Generators GEN-29 and GEN-30 in a previously issued plan approval. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments, or request for public hearing 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 schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the 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 "Commander Navy Region Mid-Atlantic OP21-000027" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Permit copies and other supporting information are available by contacting the Source Registration Unit at 215-685-7572 or emailing a request to the previously listed email address with the subject line.

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.

65-01122, OPTA (US), Inc./Affival, Inc., Schreiber Ind. Park, Bldg. 120, 14th St & 3rd Ave, New Kensington, PA 15608, City of Arnold, **Westmoreland County**. Application received: June 8, 2023. OPTA (US), Inc./Affival, Inc. operates a cored wire production operation, including four (4) powdered metal cored wire lines, a powder dumping room, two (2) parts washers, three (3) solid metal cored wire lines, and miscellaneous combustion and metal fabrication equipment at their Affival, Inc. facility located in Arnold, Westmoreland County. The particulate emissions from these operations are controlled by one (1) baghouse rated at 10,000 ACFM at 70°F, one (1) baghouse rated at 4,000 ACFM at 70°F, and one (1) baghouse rated

at 2,000 ACFM at 70°F. This facility has a potential to emit 0.6 ton of NO_x per 12-consecutive month period (12-cmp), 0.5 ton/12-cmp of CO, 0.03 ton/12-cmp of VOCs, 0.0 ton/12-cmp of SO_x, 1.6 tons/12-cmp of PM₁₀, and 0.3 ton/12-cmp of HAPs. 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 (65-01122) 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.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

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

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

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

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

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

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

Coal Applications

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

Table 1

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 56110108. NPDES No. PA0263354. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, Shade Township, **Somerset County**. Permit renewal for the continued operation and restoration of a bituminous surface & auger mine affecting 176.9 acres. Receiving stream(s): unnamed tributaries to/and Oven Run and unnamed tributaries to Stonycreek River classified for the following uses: CWF. Application received: June 5, 2023.

Mining Permit No. 56170104. NPDES No. PA0279692. Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541, Stonycreek and Somerset Townships, **Somerset County**. Permit renewal for the continued operation and restoration of a bituminous surface mine affecting 569.9 acres. Receiving streams: unnamed tributary to Kimberly Run to Casselman River, Schrock Run to Stonycreek River to Conemaugh River, classified for the following uses: CWF and WWF. Application received: June 8, 2023.

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

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

Mining Permit No. 10813005. NPDES No. PA0615218. Amcord, Inc. c/o Three Rivers Management, Inc., 600 River Avenue, Suite 200, Pittsburgh, PA 15220, Washington Township, **Butler County**. Revision to an existing bituminous surface mine to change from chemical treatment system to passive treatment system. Application received: May 25, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54830103. KK Coal, LLC, P.O. Box 8, Cumbola, PA 17930, Blythe Township, **Schuylkill County**. Renewal of an anthracite surface mine operation affecting 160.0 acres. Receiving stream: UNT to East Branch Schuylkill River. Application received: June 2, 2023.

Mining Permit No. 54830103. KK Coal, LLC, P.O. Box 8, Cumbola, PA 17930, Blythe Township, **Schuylkill County**. Correction of an anthracite surface mine operation to include coal refuse disposal affecting 160.0 acres. Receiving stream: UNT to East Branch Schuylkill River. Application received: June 2, 2023.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

Mining Permit No. 40A76SM1. NPDES No. PA0212521. Keystone Lime Company, P.O. Box 278, Springs, PA 15562, Elk Lick Township, **Somerset County**. Renewal of NPDES permit. Receiving stream: Unnamed tributary to Laurel Run classified for the following use: CWF. Application received: June 5, 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. 37970302. NPDES No. PA0227579. 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.

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

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

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

NPDES No. PA0604852. Mining Permit No. 10820122. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Marion Township and Mercer Township, **Butler County**. Renewal of an NPDES permit. Application received: April 20, 2023. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities. The following treated wastewater outfalls discharge to unnamed tributaries to North Branch Slippery Rock Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
002	Existing	SWO	0.11
004	Existing	SWO	0.11
005	Existing	SWO	0.08
006	Existing	SWO	0.07
007	Existing	SWO	0.16
008	Existing	SWO	0.06
009	Existing	TFO	0.32
010	Existing	TFO	0.22
011	Existing	TFO	0.32
012	Existing	TFO	0.32

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

Noncoal NPDES Draft Permits

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

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

NPDES No. PA0258440. Mining Permit No. 10070303. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Butler County**. Renewal of an NPDES permit. Application received:

April 20, 2023. Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities. The following treated wastewater outfalls discharge to unnamed tributaries to Wolf Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.02

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.) Alkalinity greater than acidity ¹	6.0			9.0
Total Suspended Solids (mg/l)				90.0

¹The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Contact: 717-705-4802.

E2103223-002. North Middleton Township, 2051 Spring Road, Carlisle, PA 17013, North Middleton Township, Cumberland County. U.S. Army Corps of Engineers Baltimore District. Application received: May 16, 2023.

To complete a stream enhancement project along a total 750 linear feet of an Unnamed tributary (UNT) to Conodoguinet Creek (WWF, MF) including 1) excavating and maintaining 228 linear feet (4,551 square feet) of the UNT to Conodoguinet Creek (WWF, MF) in order to daylight the existing enclosed watercourse, 2) place and maintain 100 linear feet (1,998 square feet) of rock toe protection in the UNT to Conodoguinet Creek (WWF, MF), 3) place and maintain 59 linear feet (1,174 square feet) of bank stabilization and protection along the UNT to Conodoguinet Creek (WWF, MF), and 4) grade and maintain 664 linear feet (13,285 square feet) along the UNT to Conodoguinet Creek (WWF, MF), all for the purpose of maintaining the stream's ability to manage flow and reduce sediment loads downstream. The project is located near Spring Road and Clearwater Drive in North Middleton Township, Cumberland County (40.238158, -77.179580). No wetlands will be impacted by the proposed project. Latitude: 40.238158°, Longitude: -77.179580°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205222-030. Kossman Development Company, Eleven Parkway Center, Pittsburgh, PA 15220, Robinson Township, Allegheny County. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 10, 2022.

The applicant proposes to: Construct and maintain a solar panel within and across a de minimis amount of Wetland C (PEM) (0.03 acre), in association with the development of a solar farm, in an unused parking lot behind the Omega corporate office building. A foundation support for this solar panel, consisting of reinforced concrete, will permanently impact 16 ft² of wetland. This solar panel will, also, partially cover 1,160 ft² of this small wetland. The project site is located at 1000 Omega Drive, Pittsburgh, PA 15205 (Pittsburgh West, PA USGS topographic quadrangle; N: 40°, 15', 51.44"; W: -80°, 04', 19.48"; Sub-basin 20F).

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.

D14-137EA. Paul Urbanik, 595 East Rolling Ridge Drive, Bellefonte, PA 16823, Benner Township, Centre County. U.S. Army Corps of Engineers Baltimore District. Application received: June 5, 2023.

Applicant proposes to remove the Upper Spring Dam to eliminate a threat to public safety and to restore approximately 700 feet of stream channel to a free-flowing condition. The proposed restoration project includes demolition, fill of, and soil covering of the concrete water control structure and adjacent bridge. The Spring Creek Canyon Trail will be moved away from the stream for approximately 150 feet to provide continued access and accommodate construction. Sawtooth, native stone-filled deflectors will be constructed for spans on both banks as scour/bank toe protection where banks are steep in the demolition area. The project is located across Spring Creek (HQ-CWF, MF) (State College, PA Quadrangle, Latitude: 40.8689, Longitude: 77.7955).

D14-033EA. Paul Urbanik, Pennsylvania Fish and Boat Commission, 595 East Rolling Ridge Drive, Bellefonte, PA 16823, Benner Township, **Centre County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 5, 2023.

Applicant proposes to remove the Rock Dam to eliminate a threat to public safety and to restore approximately 400 feet of stream channel to a free-flowing condition. The proposed restoration project includes demolition of the outlet control structure along the right bank. The project is located across Spring Creek (HQ-CWF, MF) (State College, PA Quadrangle, Latitude: 40.8510, Longitude: 77.8220).

EA65-005CO. Craig Fusting, Bushy Run Investments, LP, 6536 William Penn Highway, Suite 302, Delmont, PA 15626, Murrysville Borough, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 2, 2023.

Applicant proposes to remove the Manor Road Dam to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-flowing

condition. The proposed restoration project involves grading of the embankment and pond to construct the stream channel along the southern/eastern embankment. The project is located across Turtle Creek (TSF) (Slickville, PA Quadrangle, Latitude: 40.4046, Longitude: -79.5928).

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

EA3615223-001. Elizabethtown Borough, 600 South Hanover Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 9, 2023.

The applicant proposes to restore Conoy Creek (TSF-MF) and unnamed tributaries to Conoy Creek by removing approximately 37,516 cubic yards of legacy sediment and other historic fills from the floodplain. The length of channel being temporarily impacted during construction is approximately 3,100 linear feet, and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 14 acres. The project proposes to restore approximately 4 acres of integrated wetland, stream and floodplain areas. Additional restoration activities proposed include: to place rock stream and valley grade control structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct temporary stream crossings, rock construction entrances, and other erosion controls during restoration activities. Additional features of the overall restoration plan include the construction of outfalls, utility line crossings, and the reconstruction of an existing pedestrian bridge. The restoration project begins at the Radio Road bridge crossing and extends downstream to the pedestrian crossing at North Lime Street, Elizabethtown, PA Latitude: 40.162187°, Longitude: -76.594887°.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD020008	Chapter 102 Individual NPDES Permit	Issued	Fox Chapel Estates LP 375 Golfside Drive Wexford, PA 15090	Indiana Township Allegheny County	SWRO
PAD060075	Chapter 102 Individual NPDES Permit	Issued	Nick & Les Inc. 503 Hanley Lane Downingtown, PA 19335	Robeson Township Berks County	SCRO
PAD150267	Chapter 102 Individual NPDES Permit	Issued	Evergreen Landscaping Inc. P.O. Box 57 Wayne, PA 19087-0057	East Whiteland Township Chester County	SERO
PAD150277	Chapter 102 Individual NPDES Permit	Issued	Rowinski Thomas 1909 Davis Drive Norristown, PA 19403	West Vincent Township Chester County	SERO
PAD360028	Chapter 102 Individual NPDES Permit	Issued	Drumore Crossings LP 120 W Germantown Pike Suite 120 Plymouth Meeting, PA 19462-1420	Drumore Township Lancaster County	SCRO
PAD390083	Chapter 102 Individual NPDES Permit	Issued	Old Saucon Investment LP P.O. Box 20829 Lehigh Valley, PA 18002-0829	Upper Saucon Township Lehigh County	NERO
PAD510222	Chapter 102 Individual NPDES Permit	Issued	BP Point Breeze LLC 1 Gatehall Drive Parsippany, NJ 07054-4523	Philadelphia City Philadelphia County	SERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAS706103	Industrial Stormwater Individual NPDES Permit	Issued	Lindy Paving Inc. 1807 Shenango Road New Galilee, PA 16141-2241	Big Beaver Borough Beaver County	SWRO
0923804	Joint DEP/PFBC Pesticides Permit	Issued	Meadowview HOA Meadowview Drive Doylestown, PA 18902	Doylestown Township Bucks County	SERO
1513864	Joint DEP/PFBC Pesticides Permit	Issued	Deviney Nancy 1453 Coldsprings Road Pottstown, PA 19465	North Coventry Township Chester County	SERO
1513920	Joint DEP/PFBC Pesticides Permit	Issued	Broad Run Ridge HOA P.O. Box 1376 Hockessin, DE 19707	New Garden Township Chester County	SERO
1514816	Joint DEP/PFBC Pesticides Permit	Issued	Somerset Lake Service Corp P.O. Box 7368 Wilmington, DE 19803-0368	New Garden Township Chester County	SERO
1523824	Joint DEP/PFBC Pesticides Permit	Issued	Brandywine Square Shopping Center c/o Allied Properties P.O. Box 7189 Wilmington, DE 19803-0189	East Caln Township Chester County	SERO
3523801	Joint DEP/PFBC Pesticides Permit	Issued	Lake Kahagon Estates P.O. Box 687 Moscow, PA 18444-0687	Madison Township Lackawanna County	NERO
3915803	Joint DEP/PFBC Pesticides Permit	Issued	Diorio Annette 1909blue Barn Road Orefield, PA 18069	South Whitehall Township Lehigh County	NERO
3923802	Joint DEP/PFBC Pesticides Permit	Issued	Hamilton Crossings 791 N Krocks Road Allentown, PA 18106-9046	Lower Macungie Township Lehigh County	NERO
4613883	Joint DEP/PFBC Pesticides Permit	Issued	Sesame Rockwood Camp 1702 Yost Road Blue Bell, PA 19422-3636	Whitpain Township Montgomery County	SERO
4616808	Joint DEP/PFBC Pesticides Permit	Issued	Regency at Providence Community Assoc Inc. 199 Sloan Road Phoenixville, PA 19460	Upper Providence Township Montgomery County	SERO
4623810	Joint DEP/PFBC Pesticides Permit	Issued	Continental Property Management 975 Easton Road Suite 202 Warrington, PA 18976-1858	Upper Providence Township Montgomery County	SERO
4817807	Joint DEP/PFBC Pesticides Permit	Issued	St Mawes Trust 7 Tanglewylde Avenue # 4D Bronxville, NY 10708	Upper Mount Bethel Township Northampton County	NERO
5223801	Joint DEP/PFBC Pesticides Permit	Issued	Sanford D and Sally C Beecher Irrevocable Family Homestead Trust 209 Husson Road Milford, PA 18337-7157	Dingman Township Pike County	NERO
5813805	Joint DEP/PFBC Pesticides Permit	Issued	Lowe Lake Association 253 Lowe Lake Road Union Dale, PA 18470-7288	Herrick Township Susquehanna County	NERO
5913805	Joint DEP/PFBC Pesticides Permit	Issued	Wellsboro Borough Tioga County 14 Crafton Street Wellsboro, PA 16901-1508	Wellsboro Borough Tioga County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5913806	Joint DEP/PFBC Pesticides Permit	Issued	Wellsboro Borough Tioga County 14 Crafton Street Wellsboro, PA 16901-1508	Wellsboro Borough Tioga County	NCRO
6423801	Joint DEP/PFBC Pesticides Permit	Issued	Hernandez Elise 247 S Baker Road Waymart, PA 18472-4580	South Canaan Township Wayne County	NERO
6423803	Joint DEP/PFBC Pesticides Permit	Issued	Paupackan Lake Assoc Inc. 128 Sheridan Road Hawley, PA 18428-8251	Paupack Township Wayne County	NERO
1598201	Land Application and Reuse of Industrial Waste Individual WQM Permit	Issued	Herr Foods Inc. 20 Herr Drive P.O. Box 0300 Nottingham, PA 19362-9788	West Nottingham Township Chester County	SERO
PAI136145	MS4 Individual NPDES Permit	Issued	Castle Shannon Borough Allegheny County 3310 McRoberts Road Castle Shannon, PA 15234-2711	Castle Shannon Borough Allegheny County	SWRO
PA0055212	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Concord Township Delaware County 43 S. Thornton Road Glen Mills, PA 19342-1325	Concord Township Delaware County	SERO
0811401	Major Sewage Treatment Facility Individual WQM Permit	Issued	Valley Joint Sewer Authority Bradford County 1 S River Street Athens, PA 18810-1701	Athens Borough Bradford County	NCRO
PA0008591	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Gold Bond Bldg Products LLC 2586 Old Route 15 New Columbia, PA 17856-9367	White Deer Township Union County	NCRO
PA0254185	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Reserved Environmental Svcs LLC 1373 Washington Pike Suite 100 Bridgeville, PA 15017-2837	Hempfield Township Westmoreland County	SWRO
PA0030295	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Commodore Perry School District 3002 Perry Highway Hadley, PA 16130-2628	Perry Township Mercer County	NWRO
PA0086266	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-8946	Brecknock Township Lancaster County	SCRO
PA0228311	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Brady Township Lycoming County 1986 Elimsport Road Montgomery, PA 17752-8919	Brady Township Lycoming County	NCRO
PA0247839	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Kings River Haven LLC 2379 River Road Bainbridge, PA 17502	Conoy Township Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0704402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Martinsburg Borough Municipal Authority Blair County 110 South Walnut Street Martinsburg, PA 16662-1142	Martinsburg Borough Blair County	SCRO
0871401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Wyalusing Borough Municipal Authority Bradford County P.O. Box 61 Wyalusing, PA 18853-0061	Wyalusing Borough Bradford County	NCRO
NOEXSE077	No Exposure Certification	Issued	Transicoil LLC 9 Iron Bridge Drive Collegeville, PA 19426-2042	Perkiomen Township Montgomery County	SERO
NOEXSW236	No Exposure Certification	Issued	Leedsworld Inc. 115 Hunt Valley Road New Kensington, PA 15068	Washington Township Westmoreland County	SWRO
NOEXSW237	No Exposure Certification	Issued	Leedsworld Inc. 400 Hunt Valley Road New Kensington, PA 15068-7059	Upper Burrell Township Westmoreland County	SWRO
NOEXSW238	No Exposure Certification	Issued	Leedsworld Inc. 400 Hunt Valley Road New Kensington, PA 15068-7059	Upper Burrell Township Westmoreland County	SWRO
PAG030166	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Central Bucks School District 320 W Swamp Road Doylestown, PA 18901-2401	New Britain Borough Bucks County	SERO
PAG034868	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603	Milton Borough Northumberland County	NCRO
PAG036360	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Silhol Bldr Supply 100 Union Street Bridgeville, PA 15017-2420	Bridgeville Borough Allegheny County	SWRO
PAG036396	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hitachi Energy USA Inc. 231 Theobald Avenue Greensburg, PA 15601-5535	Greensburg City Westmoreland County	SWRO
PAG036403	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Pittsburgh International Airport Air Reserve Station 2475 Defense Avenue Coraopolis, PA 15108-4402	Moon Township Allegheny County	SWRO
PAG036419	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stone & Co. Inc. 606 McCormick Avenue Connellsville, PA 15425-2733	Charleroi Borough Washington County	SWRO
PAG036420	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stone & Co. Inc. 606 McCormick Avenue P.O. Box 776 Connellsville, PA 15425-2733	Plum Borough Allegheny County	SWRO
PAG036422	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stone & Co. Inc. 606 McCormick Avenue Connellsville, PA 15425-2733	Glassport Borough Allegheny County	SWRO
PAG036426	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Joseph Smith & Sons P.O. Box 64430 Washington, DC 20029-4430	Johnstown City Cambria County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036432	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Wine Concrete Products Inc. 859 Big Sewickley Creek Road Sewickley, PA 15143-8653	Bell Acres Borough Allegheny County	SWRO
PA0233331	Single Residence STP Individual NPDES Permit	Issued	Heaton Brian 700 Steele Hollow Road Julian, PA 16844-8308	Huston Township Centre County	NCRO
PA0292800	Single Residence STP Individual NPDES Permit	Issued	Sch lindwein Rex 7759 Old State Road Cranesville, PA 16410-2105	Washington Township Erie County	NWRO
PA0293067	Single Residence STP Individual NPDES Permit	Issued	Jacob Guertin and Sara Thompson 300 Brilliant Avenue Pittsburgh, PA 15215-3124	Harborcreek Township Erie County	NWRO
PA0294047	Single Residence STP Individual NPDES Permit	Issued	McKinley Stephanie M 330 Beastons Road Tyrone, PA 16686-8207	Snyder Township Blair County	SCRO
0723404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	McKinley Stephanie M 330 Beastons Road Tyrone, PA 16686-8207	Snyder Township Blair County	SCRO
1423401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Heaton Brian 700 Steele Hollow Road Julian, PA 16844-8308	Huston Township Centre County	NCRO
2522444	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Sch lindwein Rex 7759 Old State Road Cranesville, PA 16410-2105	Washington Township Erie County	NWRO
2523410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Jacob Guertin and Sara Thompson 300 Brilliant Avenue Pittsburgh, PA 15215-3124	Harborcreek Township Erie County	NWRO
WQG02010903	WQG-02 WQM General Permit	Issued	New Oxford Municipal Authority Adams County 409 Water Works Road New Oxford, PA 17350-0086	Oxford Township Adams County	SCRO

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

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510285	PAG-02 General Permit	Issued	1700 North Front LLC 50 Washington Street Hoboken, NJ 07030	City of Philadelphia Philadelphia County	SERO
PAC510214 A-1	PAG-02 General Permit	Issued	Exelon—PECO 1060 West Sweedsford Road Berwyn, PA 19312	City of Philadelphia Philadelphia County	SERO
PAC400273	PAG-02 General Permit	Issued	Yalick CCJ, LLC Jay Napario P.O. Box 70 Dallas, PA 18612	Hanover Township Wilkes-Barre City Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC540140	PAG-02 General Permit	Issued	North Manheim Township Authority 303 Manheim Rd. Pottsville, PA 17901	North Manheim Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC090576	PAG-02 General Permit	Issued	Steeple View, LP 301 South State Street Newtown, PA 18940	Newtown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC090597	PAG-02 General Permit	Issued	Warwick Township 1733 Township Greene Jamison, PA 18929	Warwick Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC090622	PAG-02 General Permit	Issued	Township of Falls 188 Lincoln Highway Fairless Hills, PA 19030	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC330038	PAG-02 General Permit	Issued	Acquire Timber LLC 5075 Lower Valley Road Atglen, PA 19301	Pine Creek Township Jefferson County	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
PAC670442	PAG-02 General Permit	Issued	Chris Haring 700 Shawnee Court New Cumberland, PA 17070	Newberry Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670612	PAG-02 General Permit	Issued	FirstEnergy 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670635	PAG-02 General Permit	Issued	Patriot Depot LLC 2441 Swamp Road Dallastown, PA 17313	Windsor Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670613	PAG-02 General Permit	Issued	Paramount Realty NJ LLC 1195 Route 70 Suite 2000 Lakewood, NJ 08701	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670614	PAG-02 General Permit	Issued	Twofold Properties LLC 1805 Loucks Road West Manchester, PA 17408	Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670631	PAG-02 General Permit	Issued	Hanover Terminal Inc 201 Center Street Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC210320	PAG-02 General Permit	Issued	Lower Allen Township 2233 Gettysburg Road Camp Hill, PA 17011	Lower Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC360573A-2	PAG-02 General Permit	Issued	Sunview Partners 490 Millway Road Ephrata, PA 17522	East Cocalico Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC360829	PAG-02 General Permit	Issued	John Stoltzfus 164 California Road Narvon, PA 17555	Caernarvon Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC360824	PAG-02 General Permit	Issued	Enterprise Way LLC 153 Buckwalter Road Lancaster, PA 17602	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC360840	PAG-02 General Permit	Issued	East Cocalico Township 102 Hill Road Denver, PA 17517	East Cocalico Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC360815	PAG-02 General Permit	Issued	Meldia LP 3007 West Newport Road Ronks, PA 17572	Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360836	PAG-02 General Permit	Issued	Fred Ranck 498 Twin Elm Road Strasburg, PA 17579	Strasburg Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC360772	PAG-02 General Permit	Issued	Timothy Kinsley 6259 Reynolds Mill Road Sevens Valley, PA 17360	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC360841	PAG-02 General Permit	Issued	Derlyn Musser 742 South Colebrook Road Manheim, PA 17602	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361 ext. 5
PAC170066	PAG-02 General Permit	Issued	Douglas Scott Cabin Run Rd Westover, PA 16692	Burnside Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830 814-765-2629
PAC190075	PAG-02 General Permit	Issued	Town of Bloomsburg John Fritz 301 E. Second St Bloomsburg, PA 17815	City of Bloomsburg Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC190078	PAG-02 General Permit	Issued	RFF Partners—Nathan Richard 190 Tyson School Rd Catawissa, PA 17820	Locust Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC410087	PAG-02 General Permit	Issued	Little League International 539 Route 15 Hwy South Williamsport, PA 17702	South Williamsport Borough Armstrong Township Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC190019	PAG-02 General Permit	Issued	Mar-Del, LLC P.O. Box 16068 Wilmington, NC 28408	Orange Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC600087	PAG-02 General Permit	Issued	PNK P2, LLC Alex Rozengaus Enterprise Blvd Allenwood, PA 17810	Gregg Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860

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>
CVFF Beaverton Sow 429 Beaverton Lane Beavertown, PA 17813	Snyder County	0	932.07	Swine	NA	Approved
Scott Gochenaur 3057 Harvest Road Elizabethtown, PA 17022	Lancaster County	6.1	370.52	Layers	NA	Approved
Bleacher Farms, LLC— Randall & Angela Bleacher 2794 Safe Harbor Road Millersville, PA 17551	Lancaster County	80.6	498.52	Layers	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Operation Permit 1422505MA. PWSID No. **4140087.** **PA American Philipsburg,** 852 Wesley Drive, Mechanicsburg, PA 17055, PA 17055, Bradford Township, **Clearfield County.** Application received: June 2, 2023. Permit Issued: June 2, 2023. This permit authorizes operation of the recently rehabilitated and repainted interior and exterior of the Pleasant Valley Tank.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4700.

Construction/Operation Permit 2223504 MA. PWSID No. **7220036.** **Pennsylvania American Water Company,** 852 Wesley Dr, Mechanicsburg, PA 17055, Swatara Township, **Dauphin County.** Application received: March 7, 2023. Permit Issued: May 12, 2023. This

action approves the rehabilitation, repainting, and return to service of two water storage tanks located at 345 Kelker St., Harrisburg, PA 17113.

Operation Permit 3623510. PWSID No. **7360004.** **Log Cabin Court c/o Property Management, Inc.,** 123 Gilpin Drive, West Chester, PA 19382, Earl Township, **Lancaster County.** Application received: February 9, 2023. Permit Issued: May 12, 2023. This action approves the designation of optimal water quality parameters for the Log Cabin Court public water system.

Operation Permit 3620538. PWSID No. **7360047.** **Welsh Mountain Home,** 567 Springville Rd, New Holland, PA 17557, Salisbury Township, **Lancaster County.** Application received: February 10, 2023. Permit Issued: May 22, 2023. This Operations permit approves the designation of optimal water quality parameters for the Welsh Mountain Home public water system.

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

Construction/Operation Permit 6723507 MA. PWSID No. **7210029.** **Pennsylvania-American Water Company,** 852 Wesley Drive, Mechanicsburg, PA 17055, Fairview Township, **York County.** Application received: March 27, 2023. Permit Issued: June 7, 2023. Construction/Operation Permit for roof improvements to Clearwell Nos. 1 and 2.

Emergency Permit 5023509 E. PWSID No. **7500019.** **Duncannon Borough,** 428 North High Street, Duncannon Borough, PA 17020, Duncannon Borough, **Perry County.** Application received: June 6, 2023. Permit Issued: June 9, 2023. Limited duration emergency operation permit for bulk water hauling.

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

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

Operation Permit 5623510. PWSID No. **4560037.** **Hooversville Borough,** 50 Main Street P.O. Box 176, Hooversville, PA 15936, Hooversville Borough, **Somerset County.** Application received: June 1, 2023. Permit Issued: June 12, 2023. Approximately 2,000 linear feet of waterline and appurtenances along Barn Street (SR 0403), Church Street, and Somerset Street (Area 6).

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person 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.

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

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 717-787-3483 for more information.

Hazardous Sites Clean-up Under the Act of October 18, 1988, Notice of Proposed Interim Response Venango County Park Site, City of Franklin/Sugarcreek Borough, Venango County.

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

Contact: Colin Kosinski, 814-332-6837.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305), is proposing an interim response at the Venango County Park Site (Site). The Site is located between US Route 62 and railroad tracks near the western bank of the Allegheny River and its confluence with French Creek within the municipal boundaries of the City of Franklin and Sugarcreek Borough, **Venango County**, Pennsylvania.

The Site, which is approximately 2-acres and heavily vegetated, contains an inactive, unlined landfill with remnants of two building foundations. The landfill waste consists mostly of construction and demolition debris and various deteriorated drum carcasses. The hazards posed include an ongoing release of hazardous substances from waste improperly disposed at the Site, and direct contact and inhalation threats to human health from soils and wastes impacted with metals, polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), and pesticides.

The objectives and scope of the proposed response are: 1) protect the public and environmental receptors from direct contact exposure to soils containing metals, PCBs, VOCs, and pesticides; 2) remove and properly dispose of the exposed wastes on site; and 3) comply with Federal, State, and local regulations.

To achieve the objectives for the Site, the Department has chosen to excavate and remove the waste. This choice complies with Applicable, or Relevant and Appropriate Requirements, is feasible, and cost-effective. Other alternatives considered for the Site included taking no action and fencing off the Site from the public.

This notice is being provided pursuant to Section 506(b) of HSCA. The Administrative Record, which contains the information that forms the basis and documents the selection of this response action, is available for public review and comment. The Administrative Record is located at 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8:00 a.m. to 4:00 p.m.

The Administrative Record will be open for comment from June 26, 2023, until September 25, 2023. Any person may submit written comments into the record during this time, only, by sending them to Colin Kosinski at Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335 or ckosinski@pa.gov, or by delivering them to this office in person.

In addition, any person may present oral comments, for inclusion in the Administrative Record, at a public hearing. The Department has scheduled a virtual hearing for July 27, 2023, at 6:00 p.m. Any person wishing to present comments must register with Tom Decker before July 14, 2023, by telephone at 814-332-6615, by electronic mail at thomadecke@pa.gov, or in writing at Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service, or other accommodations to participate in the proceedings, should call Tom Decker at 814-332-6615, or through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

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.

VRG BRA Pad (4HC), Primary Facility ID # **865497**, 1180 Robinson Road, Wyalusing, PA 18853, Wilmot 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 friction reducer. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

D. Payne Well Pad 1, Primary Facility ID # **849157**, 2559 Upper Podunk Road, New Milford, PA 18834, Harford 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 compressor oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

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

Donna Miller Residence, Primary Facility ID # **867144**, 1120 Conewago Creek Road, Manchester, PA 17345, East Manchester Township, **York County**. Adams Environmental Engineering Group, LLC, 8055 Ritchie Highway, Suite 207, Pasadena, MD 21122, on behalf of Ms. Donna Miller, 1120 Conewago Creek Road, Manchester, PA 17345, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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.

Bethlehem Commerce Center Site—Majestic Parcel Lots RR1, RR1A, RR2, RR3, Primary Facility ID # **682648**, 3115, 3535, 3017, 3525 Commerce Center Boulevard, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. Ramboll Americas Engineering Solutions, Inc., 751 Arbor Way, Suite 200, Blue Bell, PA 19422, on behalf of Commerce Construction Co. LP, 13191 Crossroads Parkway North, 6th Floor, Industry, CA 91746, submitted a Final Report concerning remediation of soil contaminated with Boron, Thallium, Lead, Iron, Benzo(a)pyrene, Benzo(a)anthracene, Benzene, Naphthalene, Dibenz(a,h)anthracene, and Tetrachloroethene. The Final Report demonstrated attainment of the site-specific standards. Approved: June 8, 2023.

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

Contact: Chris, 724-598-2206.

NFG Henderson Well Brine Release, Primary Facility ID # **865894**, Hunter Road, Stoneboro, PA 16153,

Worth Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Rte 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Supply Corporation, P.O. Box 2081, 1100 State St, Erie, PA 16512, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, and zinc. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 8, 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.

Donna Miller Residence, Primary Facility ID # **867144**, 1120 Conewago Creek Road, Manchester, PA 17345, East Manchester Township, **York County**. Adams Environmental Engineering Group, LLC, 8055 Ritchie Highway, Suite 207, Pasadena, MD 21122, on behalf of Ms. Donna Miller, 1120 Conewago Creek Road, Manchester, PA 17345, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 7, 2023.

Washington Place Apartments, Primary Facility ID # **863380**, 250 College Avenue, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of College Avenue Property Holding Co., LLC, 701 Cathedral Street, Baltimore, MD 21201, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with arsenic. The Report demonstrated attainment of the site-specific standards. Approved: June 1, 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.

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

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

WMGM017SE004 (formerly WMGM017D006). Arboorganic Acres, LP, 901 Cherry Hill Lane, Pottstown, PA 19465, North Coventry Township, **Chester County**. This permit approves the renewal of Determination of Applicability (DOA) under the conditions defined within General Permit No. WMGM017 for on-farm source separated composting activities at Arboorganic Acres, Inc.—Sunny High Farm Facility, located at 901 Cherry Hill Lane, Pottstown, PA 19465, in North Coventry Township, Chester County. Application received: September 27, 2022. Renewal issued: June 8, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITS@pa.gov, Southeast Region, 2 East Main Street, Nor-

ristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

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

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

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

Ag5-41-00007D: NFG Midstream Trout Run, LLC, 6363 Main Street, Williamsville, NY 14221, Lewis Township, **Lycoming County**. The Department approved General Plan Approval authorization for the construction and temporary operation of two (2) 1,900 bhp GE Waukesha model VHP-L7044GSI four stroke, rich-burn, natural gas-fired compressor engines, each equipped with non-selective catalytic reduction, one (1) 200 million standard cubic foot per day (MMscf/d) dehydrator with a 10 MMBtu/hr enclosed flare to control still vent emissions and with a flash tank and 2.5 MMBtu/hr reboiler burner, and one (1) 7.0 MMBtu/hr pipeline heater at the Trout Run Mountain Compressor Station pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Trout Run Mountain Compressor Station located in Lewis Township, Lycoming County. Upon commencement of operation of the engines, continued authorization for operation of those sources will be granted under existing authorization AG5-41-00007C. Application received: May 22, 2023. Authorized: June 8, 2023. Expiration date: December 8, 2024.

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.

GP14-65-01034C: Professional Cremation Service, LLC, 515 N 7th Street, Youngwood, PA 15697, Youngwood Borough, **Westmoreland County**. Professional Cremation Service, LLC received authorization on June 8, 2023 for the continued operation of two (2) B&L Cremation Systems N-20AA natural gas-fired human crematory incinerator units at their facility located in Youngwood Borough, Westmoreland County. Application received: March 8, 2023. Deemed administratively complete: March 13, 2023.

GP5-30-00155E/AG5-30-00037A: Greylock Midstream, LLC, 205 Carmichaels Plaza, Carmichaels, PA 15320, Cumberland Township, **Greene County**. On June 8, 2023, Greylock Midstream, LLC had been authorized to continue operation of the existing equipment that include: One (1) G3516 TALE Caterpillar, natural gas-fired compressor engines, rated at 1,265 bhp equipped with an Oxidation Catalyst, and regulated by air-fuel ratio controller, one (1) Caterpillar, Model G3516 TALE natural gas-fired compressor engine, rated at 1,340 bhp equipped with an Oxidation Catalyst and regulated by air-fuel ratio controller, one (1) Natco Dehydrator rated at 15.0 MMscfd with a reboiler rated at 0.275 MMBtu/hr, one Thermal

oxidizer rated at 2.0 MMBtu/hr to control dehydrator's emissions, two (2) produced water storage tanks each 8,820-gallon, one (1) used oil storage tank at 4,200-gallon, one (1) 330-gallon methanol tank, truck loading, fugitive emissions, compressor blow-downs, pneumatics, pigging operations, and engine crank case emissions at their Cumberland Henderson Compressor Station located in Cumberland Township, Greene County. Application received: April 3, 2023. Authorized: June 8, 2023.

GP5-63-01002C (AG5-63-00020B): EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Amwell Township, **Washington County**. For authorization under GP-5 to construct and/or operate previously installed and additional sources and controls associated with natural gas gathering operations at its Mako Compressor Station. Application received: January 27, 2023. Authorized: June 1, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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.

05-05006E: Columbia Gas Transmission, LLC, 455 Racetrack Road, Washington, PA 15301-8910, Mann Township, **Bedford County**. For the replacement of two compressor engines with two 2,000 bhp natural gas reciprocating compressor engines as well as the replacement of an emergency generator engine with a natural gas fired, 830 kW emergency engine and generator, at the Artemas natural gas transmission station. Application received: December 9, 2022. Issued: June 5, 2023.

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

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

PA-56-00323A: Rockwood Manufacturing Company, 258 Beacon Street, Somerset, PA 15501, Somerset Borough, **Somerset County**. Plan Approval extension effective July 28, 2023, to extend the period of temporary operation of the North Somerset Facility located in Somerset Borough, Somerset County. Application received: May 16, 2023. Issued: June 8, 2023. The new expiration date is January 28, 2024

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.

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

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

PA-30-00072H: Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. For plan approval extension to authorize continued temporary operation of sources and controls associated with the

Bailey Prep Plant Expansion. Application received: April 18, 2023. Effective: May 28, 2023.

PA-30-00072I: Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, East Finley Township, **Washington County**. For plan approval extension to authorize continued temporary operation of sources and controls associated with the Enlow Fork Overland Conveyor. Application received: April 18, 2023. Effective: May 28, 2023.

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.

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.

09-00009: Quad Graphics Marketing, LLC, 4371 County Line Rd, Chalfont, PA 18914-1825, New Britain Township, **Bucks County**. This action is for the renewal of a Title V Operating Permit for a direct mail printer that operates a seven (7) heatset web offset lithographic printing presses for production of newspaper and magazine inserts. Application received: March 23, 2022. Issued: June 7, 2023.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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.

60-00007: U.S. Dept. of Justice, 2400 Robert F. Miller Drive, Lewisburg, PA 17837, Kelly Township, **Union County**. Was issued a renewal State Only Operating Permit for the Lewisburg Penitentiary. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: June 9, 2023. Issued: June 6, 2023.

08-00049: Alpaca Energy, LLC, 106 Isabella St., Ste. 600, Pittsburgh, PA 15212, Canton Township, **Bradford County**. Was issued a State Only Operating Permit for the Alpaca Energy electric power generation facility located in Canton Township, Bradford County. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: January 25, 2023. Issued: June 6, 2023.

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

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

10-00021: INDSPEC Chemical Corporation, 133 Main Street, Petrolia, PA 16050, Petrolia Borough, **Butler County**. The Department issued the renewal State Only Operating Permit for INDSPEC Chemical Corporation. The facility is a Natural Minor. The primary sources at the facility consist of ten pultrusion lines. The facility no longer manufactures resorcinol and has been closed since 2017. The remaining sources consist of a gasoline storage tank, two fire pump engines, and three storage

tanks which are being used to store storm water. The potential emissions for this facility are estimated at 2.32 tpy NO_x and less than 1 tpy for all other criteria pollutants. The permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: August 25, 2022. Renewal issued: June 6, 2023.

03-00147: Asbury Graphite Incorporated, 280 Linde Road, Kittanning, PA 16201, North Buffalo Township, **Armstrong County**. The Department issued the renewal of the State Only Operating Permit for Asbury Graphite Incorporated for the loading, unloading, crushing, milling, drying, and packaging petroleum coke and graphite facility. The facility is a Natural Minor. The primary sources at the facility consist of 2 roller miller, 2 A/C mills, 3 jet mills, 1 blender, 1 magnetic separator, 7.2 MMBtu/hr natural gas dryer, crusher, and haul roads. The facility has the potential emissions as follows: 48.33 tpy PM₁₀, 3.10 tpy NO_x, 2.5 tpy CO, and less than 1 tpy for all other criteria pollutants. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: July 2, 2021. Renewal issued: May 2, 2023.

43-00259: Grove City Medical Center, 631 North Broad Street Extension, Grove City, PA 16127-4603, Pine Township, **Mercer County**. The Department issued the renewal of the State-Only Operating Permit of a health-care institution that operates boilers, water heaters, and a diesel-fired emergency generator. With PTEs of 13.287, 6.975, 0.973, 0.483, and 0.363 TPY for NO_x, CO, PM, SO_x, and VOC, respectively, the facility is a Natural Minor for permitting purposes. In this renewal, amended provisions of 25 Pa. Code § 123.22 on sulfur emissions from use of fuel oils in combustion units are incorporated into the permit. This subjects the boilers to a more stringent sulfur content limit (15 ppm, 0.0015%) for fuel oils and associated recordkeeping and reporting requirements. This facility is exempt from 40 CFR 63 Subpart JJJJJJ, which pertains to NESHAP for Industrial, Commercial, and Institutional Boilers Area Source. The emergency generator is subject to additional operating hour restrictions, reporting, and recordkeeping provisions of 40 CFR 63 Subpart ZZZZ, which pertains to NESHAP for Stationary Reciprocating Internal Combustion Engines. Application received: January 10, 2022. Renewal issued: June 12, 2023.

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

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

OP22-000021: Thomas Jefferson University—Methodist Hospital, 2301 S. Broad Street, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a Natural Minor Operating Permit (NMOP) for the operation of a hospital in the City of Philadelphia, Philadelphia County. The facility's air emissions sources include two (2) 16.76 MMBtu/hr natural gas and No. 2 Oil fired boilers, each equipped with low NO_x burners, and two (2) diesel fired 1,114 hp emergency generators. Application received: March 28, 2022. Issued: June 6, 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.

38-03003: Bayer Healthcare, LLC, 400 W. Stoeber Avenue, Myerstown, PA 17067-1418, Myerstown Borough, **Lebanon County**. For the pharmaceuticals manufacturing facility. The State-Only Permit was renewed. Application received: December 29, 2022. Issued: June 6, 2023.

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

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

15-00067: Herr Foods, Inc., 273 Old Baltimore Pike, Nottingham, PA 19362-9102, West Nottingham Township, **Chester County**. This action is for the renewal of a State-Only Operating Permit for a snack food manufacturing plant. Application received: August 29, 2022. Issued: June 9, 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.

63-00874: Therm-O-Rock East, Inc./Plant II, 85 Washington St., Donora, PA 15033, Donora Borough, **Washington County**. On June 12, 2023, the Department issued a renewal natural minor State Only Operating Permit for a material blending facility. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at the facility located in Donora, Washington County. Application received: February 6, 2023. Permit issued: June 12, 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.

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.

17-00071B: Continental Carbonic Products, Inc., 40 Technology Drive, Clearfield, PA 16830. Was issued a plan approval extension on May 22, 2023, to extend the authorization to operate the sources pursuant to the plan approval by 180 days to allow for additional time to submit the performance testing report and complete any other evaluations under plan approval to verify compliance under the modification to their CO₂ production plant. Application received: May 10, 2021. Revised: May 22, 2023.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

eRFD # 10258: Valmont Coatings Inc., 9 South 12th Street, Midland, PA 15059, Midland Borough, **Beaver County**. On June 9, 2023, Valmont Coatings Inc., per 25 Pa. Code § 127.449(i), was authorized to use HCl or

H₂SO₄ acid solutions in addition to phosphoric acid (GF2) to increase the process efficiency at the Valmont Pittsburgh Galvanizing facility.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 48234106. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, Forks Township, **Northampton County**. Construction blasting for Lafayette Hills Phase 3. Application received: June 1, 2023. Permit issued: June 6, 2023. Expiration date: March 31, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot

afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

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

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

E5402222-006. TLC 209, LLC, 8101 E. Prentice Avenue, Greenwood Village, CO 80111, Frailey Township, Tremont Township, **Schuylkill County**. U.S. Army Corps of Engineers Baltimore District.

To place fill in 0.01 acre of wetlands for construction of a trailer storage lot associated with the Tremont Logistics Center—North Lot 3 development. The project is located on the left of US-209 N. approximately 1.0 mile after taking exit 107 from Interstate-81 (Pine Grove, PA Quadrangle Latitude: 40° 37' 23", Longitude: -76° 25' 36.5") in Frailey and Tremont Townships, Schuylkill County. Latitude: 40° 37' 23", Longitude: -76° 25' 36.5". Application received: September 28, 2022.

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

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

E3706222-004. Westminster College, 319 South Market Street, New Wilmington, PA 16172, New Wilmington Borough, **Lawrence County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a new 75-foot long, 6-foot wide pre-fabricated fiber reinforced plastic footbridge spanning Little Neshannock Creek 220 feet upstream of the previously removed footbridge including approximately 135 feet of new trail to the west and approximately 15 feet of new trail and approximately 38 feet of trail improvement on the east, permanently impacting approximately 0.01 acre of waterway and 0.03 acre of floodway to Little Neshannock Creek on the Lucile Frey Nature Trail on the Westminster College campus. Latitude: 41.114590°, Longitude: -80.322567°. Application received: October 13, 2022. Issued: June 7, 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.

E4601223-008. 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 116 Jacob

Street, and 104, 153, 159, 163, and 236 Walnut Street, Mont Clare (Phoenixville, PA, USGS Quadrangle) in Upper Providence Township, Montgomery County. Latitude: 40.136594° and 40.134911°, Longitude: -75.507762° and -75.504751°. Application received: February 23, 2023. Issued: June 7, 2023.

E4601223-010. Montgomery County, One Montgomery Plaza, P.O. Box 311, Norristown, PA 19404, Upper Providence Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following-listed water obstruction and encroachment activities associated with Schuylkill Canal dredging at Lock 60 Recreation Area. Montgomery County Division of Parks, Trails, and Historic Sites is proposing to dredge the forebay to the Schuylkill Canal at Lock 60 to its pre-existing condition of elevation 6.5-foot-deep. The proposed work will also include a 175 lf of bank stabilization upstream from the outlet which will include R-6 riprap. The existing retaining walls along the canal will be rehabilitated by using shotcrete concrete finishing to match the existing walls which will include dewatering the canal. The site is located near the intersection of SR 29 South and Tow Path Road, (Phoenixville, PA USGS Map) in Upper Providence Township, Montgomery County. Latitude: 40.145976°, Longitude: -75.507102°. Application received: February 24, 2023. Issued: June 8, 2023.

E5101223-001. Philadelphia Parks & Recreation, 1515 Arch Street, 10th Floor, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

To restore, construct, and maintain an approximately 219 feet long, eroded bed and banks, and raised pedestrian bridge walkway along the Valley Green Run (TSF/MF) associated with the public safety concerns. The project will also include to replace an existing pedestrian bridge 12-foot by 6-foot at the same location. The channel improvements will include boulder weirs and stacked boulder revetments to stabilize the stream channel and its banks to prevent vertical and horizontal erosion and to dissipate energy during high-flow (flood) events. The site is located within Wissahickon Valley Park (Germantown, PA, USGS Quadrangle) in the City of Philadelphia City, Philadelphia County. Latitude: 40.055942°, Longitude: -75.216753°. Application received: January 3, 2023. Issued: June 12, 2023.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of

practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG290823006-00**
 Applicant Name **Chesapeake Appalachia, LLC**
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 Township(s) Smithfield Township and Ulster Township
 County **Bradford County**
 Receiving Stream(s) and Classification(s) Browns Creek
 (WWF, MF), Cash Creek (WWF, MF)
 Application received: April 13, 2023
 Issued: June 5, 2023

ESCGP # 3 **ESG295823010-00**
 Applicant Name **Susquehanna Gathering Co 1, LLC**
 Contact Person Paul Corrigan
 Address 1000 Noble Energy Drive, 5th Floor
 City, State, Zip Canonsburg, PA 15317
 Township(s) Jackson Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) Unnamed Tributary to Tunkhannock Creek (CWF, MF)
 Application received: April 28, 2023
 Issued: June 8, 2023

ESCGP # 3 **ESG295923007-00**
 Applicant Name **UGI Texas Creek, LLC**
 Contact Person Amber Holly
 Address 835 Knitting Mills Way
 City, State, Zip Wyomissing, PA 19610
 Township(s) Elk Township and Gaines Township
 County **Tioga County**
 Receiving Stream(s) and Classification(s) Left Branch
 Fourmile Run (HQ—CWF)
 Application received: April 17, 2023
 Issued: June 9, 2023

ESCGP # 3 **ESG294123011-00**
 Applicant Name **Repsol Oil & Gas USA, LLC**
 Contact Person Jonathan Fronk
 Address 337 Daniel Zenker Drive
 City, State, Zip Horsheads, NY 14845
 Township(s) McIntyre Township
 County **Lycoming County**
 Receiving Stream(s) and Classification(s) UNT to Red
 Run (CWF)
 Application received: April 29, 2023
 Issued: June 9, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or 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.

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

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

DEP has received the following plans and reports.

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

Contact: Bill, 814-332-6671.

PALG Chestnut Street Bradford, Storage Tank Facility ID # **42-15331**, 76 Chestnut St, Bradford, PA 16701, City of Bradford, **McKean County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of PALG-UST V, LLC, 645 Hamilton St, Suite 400, Allentown, PA 18101 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health and background 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 Pro-

tection (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 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.

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.

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

Contact: Cherie M. Campbell, Soil Scientist.

Dutchland, Storage Tank Facility ID # **36-62314**, 160 Route 41, Gap, PA 17527, Sadsbury Township, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Ave, Lancaster, PA 17603, on behalf of Dutchland, Inc., 160 PA, Rte 41, Gap, PA 17527 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 7, 2023.

Contact: Michael Stefanic.

Davis Landscape, Storage Tank Facility ID # **22-12980**, 2340 Paxton Church Rd, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. Letterle and Associates, Inc., 2022 Axemann Rd, Ste 201, Bellefonte, PA 16823, on behalf of Davis Landscape, 2340 Paxton Church Rd, Harrisburg, PA 17110 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on June 8, 2023.

[Pa.B. Doc. No. 23-818. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Alternative Fuels Incentive Grant Program; Opportunity Notice

The Department of Environmental Protection (Department), Energy Programs Office announces an opportunity to apply for grants under the Alternative Fuels Incentive Grant (AFIG) Program to improve the Commonwealth's air quality and reduce consumption of imported oil through the use of homegrown alternative fuels that will help the Commonwealth's economy and environment. Programs, like AFIG, that incentivize the use of alternative fuels for transportation can help the Commonwealth reach the greenhouse gas emissions reduction goals outlined in the 2021 Pennsylvania Climate Action Plan. The Department is seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner advanced alternative transportation within this Commonwealth.

Approximately \$3 million in grants will be available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations and limited liability companies or partnerships incorporated or registered in the Commonwealth to support:

- Incremental cost expenses relative to retrofitting vehicles to operate on alternative fuels.
- Incremental cost expenses to purchase new alternative fuel vehicles.
- The cost to purchase and install refueling equipment servicing alternative fuel vehicles.
- The cost to perform research, training, development and demonstration of new applications or next-phase technology related to alternative fuel vehicles.

Priorities for funding for 2023 include:

- Zero emission vehicle projects.
- Renewable natural gas vehicle and infrastructure projects.
- Medium-duty and light-duty fleet refueling infrastructure projects.
- Projects located in or predominantly serving environmental justice areas. (<https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>).
- Applicants that are minority, veteran or woman-owned businesses.

The Department will endeavor to award a minimum 20% of available AFIG funding for the program year to the following entities, dependent upon applications received:

- Counties, townships, municipalities or municipal authorities.
- Public school districts including brick and mortar charter schools.
- Organizations registered as a 501(c)3 that provide services to seniors, low income individuals and families, individuals with disabilities, veterans or medical services of any type.
- Businesses either registered with the Commonwealth as a Small Diverse Business or who are registered with one of the Department of General Services

approved third-party certifications as identified on the web site at <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Verification/Pages/default.aspx>.

- Organizations who are county/local government supported or contracted to provide services to seniors, low income individuals and families, individuals with disabilities, veterans or medical services of any type.

Changes to the program for 2023 for the Vehicle Retrofit and Purchase projects category include:

- For refueling infrastructure, AFIG will be focusing on projects that service medium-duty fleets of class 3—6 vehicles and light-duty fleets of class 1 and 2 vehicles. Funding for other types of refueling infrastructure projects may be available through the Driving PA Forward Level 2 Rebate programs and through Department programs funded through the National Electric Vehicle Infrastructure program and other Infrastructure Investment and Jobs Act funding.

The program guidelines and application instructions are available on the Department's AFIG web site at <http://www.dep.pa.gov/AFIG>. Applications will be accepted online through the Commonwealth's eGrants system. Visit <http://www.esa.dced.state.pa.us/> to apply.

The application period will open June 30, 2023. The Department will collect and review applications received by 11:59 p.m. on Friday, August 25, 2023, and by 4 p.m. on Friday, December 15, 2023. Hard copy applications will not be accepted.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-819. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OOGM 23-1, Cleaning Out and Plugging 13 Abandoned Permitted/Rule Authorized Class IIR Injection Wells, Highland Township, Elk County. The principal items of work and approximate quantities include the following: clean out and plug 13 abandoned injection wells, estimated to be up to 2,500 feet in depth, to the Department of Environmental Protection (Department) specifications; prepare and restore well sites; and mobilize and demobilize plugging equipment.

This bid issues on June 16, 2023, and bids will be opened on July 20, 2023, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to www.BidExpress.com. A mandatory prebid conference is scheduled for June 29, 2023, at 9 a.m. at Dj's Russell City Store, 1536 Route 66, Russell City, PA 16735. Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-820. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OOGM 23-3, Cleaning Out and Plugging Ten Abandoned Permitted/Rule Authorized Class IIR Injection Wells, Highland Township, Elk County. The principal items of work and approximate quantities include the following: clean out and plug ten abandoned injection wells, estimated to be up to 2,700 feet in depth, to the Department of Environmental Protection (Department) specifications; prepare and restore well sites; and mobilize and demobilize plugging equipment.

This bid issues on June 16, 2023, and bids will be opened on July 20, 2023, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to www.BidExpress.com. A mandatory prebid conference is scheduled for June 29, 2023, at 9 a.m. at Dj's Russell City Store, 1536 Route 66, Russell City, PA 16735. Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-821. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Climate Change Advisory Committee Meeting Cancellation

The Climate Change Advisory Committee (Committee) meeting scheduled for June 27, 2023, has been cancelled. The next Committee meeting is scheduled for Tuesday, August 22, 2023, and will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Climate Change," then "Climate Change Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 22, 2023, meeting can be directed to Lindsay Byron at lbyron@pa.gov or (717) 772-8951.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5985 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. 23-822. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Newborn Screening and Follow-Up Technical Advisory Board Public Meeting

The Newborn Screening and Follow-Up Technical Advisory Board (Board), established under the Newborn Child Testing Act (35 P.S. §§ 621–625), will hold a public meeting on Thursday, July 27, 2023, from 10 a.m. until 1 p.m. The meeting will be conducted in person.

The meeting will be held on the Hershey Medical Center Campus, 90 Hope Drive, Academic Support Building, Room 4000B, Hershey, PA 17033. Individuals should RSVP no later than Friday, July 14, 2023, if they plan to attend.

The agenda will include discussions about Board member terms; updates from the Bureau of Family Health (Bureau); and updates from the Lysosomal Storage Disorders/X-ALD, Cystic Fibrosis, Hemoglobinopathy and Critical Congenital Heart Defects subcommittees. The Bureau will provide data for each subcommittee update as needed.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Patricia Edge, Nursing Services Consultant, Division of Newborn Screening and Genetics, at (717) 783-8143. Speech and/or hearing-impaired persons should use V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-823. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Square footage</i>	0—999 sq/ft	1,000—4,999 sq/ft	5,000—9,999 sq/ft	10,000—19,999 sq/ft	20,000—99,999 sq/ft
<i>Peer group</i>	5	4	3	2	1
<i>Number of cash registers</i>	0-1	2—4	5—9	10—19	20+
				<i>Geography</i>	
<i>Weighting</i>			<i>Population Ranges</i>		<i>Density</i>
<i>Square footage</i>	30%		0—69,999	Remote Rural	0—50
<i>Registers</i>	30%		70,000—124,999	Rural	51—99
<i>Geography</i>	40%		125,000—249,999	Slightly Urban	100—199
			250,000—499,999	Urban	200—499
			500,000—999,999	Metro Market Edge	500—1,000
			1,000,000+	Metro Market Center	1,000+

Competitive Prices for Peer Group 1 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 1 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2023, through September 30,

2023, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	1	\$4.90
Brown Rice (16 oz.)	1	\$1.69
Canned Beans (15.5-16 oz. can)	1	\$1.72
Cereal (per oz.)	1	\$0.42
Cheese—16 oz.	1	\$7.71
Cheese—Kosher—16 oz.	1	\$15.41

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Dried Beans/peas (1 pound)	1	\$2.67
Fresh shell eggs (dozen)	1	\$4.86
Infant Cereal (8 oz. container)	1	\$3.68
Infant Fruits (4 oz. or 2—2oz. pack)	1	\$1.46
Infant Meats (2 oz. container)	1	\$1.72
Infant Vegetables (4 oz. or 2—2 oz. pack)	1	\$1.48
Juice 11.5/12 oz.	1	\$3.37
Juice 48 oz.	1	\$4.85
Juice 64 oz.	1	\$5.20
Light Tuna (5 oz. can)	1	\$1.70
Milk—Kosher—Low Fat 1/2 gallon	1	\$5.20
Milk—Low Fat 1/2 gallon	1	\$2.98
Milk—Whole—Kosher 1/2 gallon	1	\$5.70
Milk—Whole 1/2 gallon	1	\$3.29
Oats (16 oz.)	1	\$2.44
Peanut Butter (16—18 oz.)	1	\$3.94
Salmon (6 oz. can)	1	\$3.65
Sardines (3.75 oz. can)	1	\$1.92
Similac Adv Conc 13 oz.	1	\$8.29
Similac Adv Pwd 12.4 oz.	1	\$28.59
Similac Isomil Pwd 12.4 oz.	1	\$30.28
Tortilla (16 oz.)	1	\$4.03
Whole Wheat Pasta (16 oz.)	1	\$2.34

Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2023, through September 30, 2023, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	2	\$5.26
Brown Rice (16 oz.)	2	\$2.11
Canned Beans (15.5-16 oz. can)	2	\$1.82
Cereal (per oz.)	2	\$0.48
Cheese—16 oz.	2	\$8.53
Cheese—Kosher—16 oz.	2	\$17.86
Dried Beans/peas (1 pound)	2	\$2.87
Fresh shell eggs (dozen)	2	\$4.99
Infant Cereal (8 oz. container)	2	\$3.92

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Infant Fruits (4 oz. or 2—2 oz. pack)	2	\$1.57
Infant Meats (2 oz. container)	2	\$1.79
Infant Vegetables (4 oz. or 2—2 oz. pack)	2	\$1.53
Juice 11.5/12 oz.	2	\$3.70
Juice 48 oz.	2	\$5.68
Juice 64 oz.	2	\$5.67
Light Tuna (5 oz. can)	2	\$1.85
Milk—Kosher—Low Fat 1/2 gallon	2	\$5.79
Milk—Low Fat 1/2 gallon	2	\$3.06
Milk—Whole—Kosher 1/2 gallon	2	\$5.98
Milk—Whole 1/2 gallon	2	\$3.43
Oats (16 oz.)	2	\$2.59
Peanut Butter (16—18 oz.)	2	\$4.21
Salmon (6 oz. can)	2	\$3.78
Sardines (3.75 oz. can)	2	\$2.06
Similac Adv Conc 13 oz.	2	\$8.60
Similac Adv Pwd 12.4 oz.	2	\$29.43
Similac Isomil Pwd 12.4 oz.	2	\$31.35
Tortilla (16 oz.)	2	\$4.70
Whole Wheat Pasta (16 oz.)	2	\$2.64

Competitive Prices for Peer Group 3 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2023, through September 30, 2023, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	3	\$5.33
Brown Rice (16 oz.)	3	\$2.28
Canned Beans (15.5-16 oz. can)	3	\$1.89
Cereal (per oz.)	3	\$0.49
Cheese—16 oz.	3	\$8.90
Cheese—Kosher—16 oz.	3	\$19.82
Dried Beans/peas (1 pound)	3	\$2.96
Fresh shell eggs (dozen)	3	\$5.29
Infant Cereal (8 oz. container)	3	\$4.24
Infant Fruits (4 oz. or 2—2 oz. pack)	3	\$1.59

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Infant Meats (2 oz. container)	3	\$1.87
Infant Vegetables (4 oz. or 2—2 oz. pack)	3	\$1.64
Juice 11.5/12 oz.	3	\$3.77
Juice 48 oz.	3	\$5.86
Juice 64 oz.	3	\$5.95
Light Tuna (5 oz. can)	3	\$2.05
Milk—Kosher—Low Fat 1/2 gallon	3	\$6.30
Milk—Low Fat 1/2 gallon	3	\$3.40
Milk—Whole—Kosher 1/2 gallon	3	\$6.52
Milk—Whole 1/2 gallon	3	\$3.50
Oats (16 oz.)	3	\$2.70
Peanut Butter (16—18 oz.)	3	\$4.28
Salmon (6 oz. can)	3	\$3.97
Sardines (3.75 oz. can)	3	\$2.12
Similac Adv Conc 13 oz.	3	\$9.07
Similac Adv Pwd 12.4 oz.	3	\$30.53
Similac Isomil Pwd 12.4 oz.	3	\$34.77
Tortilla (16 oz.)	3	\$4.80
Whole Wheat Pasta (16 oz.)	3	\$2.74

Competitive Prices for Peer Group 4 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2023, through September 30, 2023, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	4	\$6.08
Brown Rice (16 oz.)	4	\$2.63
Canned Beans (15.5-16 oz. can)	4	\$2.20
Cereal (per oz.)	4	\$0.57
Cheese—16 oz.	4	\$10.65
Cheese—Kosher—16 oz.	4	\$21.92
Dried Beans/peas (1 pound)	4	\$3.21
Fresh shell eggs (dozen)	4	\$5.64
Infant Cereal (8 oz. container)	4	\$4.64
Infant Fruits (4 oz. or 2—2 oz. pack)	4	\$1.78
Infant Meats (2 oz. container)	4	\$1.97

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Infant Vegetables (4 oz. or 2—2 oz. pack)	4	\$1.83
Juice 11.5/12 oz.	4	\$4.62
Juice 48 oz.	4	\$6.36
Juice 64 oz.	4	\$7.38
Light Tuna (5 oz. can)	4	\$2.25
Milk—Kosher—Low Fat 1/2 gallon	4	\$6.97
Milk—Low Fat 1/2 gallon	4	\$4.04
Milk—Whole—Kosher 1/2 gallon	4	\$7.24
Milk—Whole 1/2 gallon	4	\$4.40
Oats (16 oz.)	4	\$3.20
Peanut Butter (16—18 oz.)	4	\$5.59
Salmon (6 oz. can)	4	\$4.91
Sardines (3.75 oz. can)	4	\$2.93
Similac Adv Conc 13 oz.	4	\$13.05
Similac Adv Pwd 12.4 oz.	4	\$38.33
Similac Isomil Pwd 12.4 oz.	4	\$40.98
Tortilla (16 oz.)	4	\$5.07
Whole Wheat Pasta (16 oz.)	4	\$3.54

Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2023, through September 30, 2023, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	5	\$6.76
Brown Rice (16 oz.)	5	\$3.95
Canned Beans (15.5-16 oz. can)	5	\$2.70
Cereal (per oz.)	5	\$0.66
Cheese—16 oz.	5	\$13.86
Cheese—Kosher—16 oz.	5	\$23.78
Dried Beans/peas (1 pound)	5	\$3.84
Fresh shell eggs (dozen)	5	\$5.77
Infant Cereal (8 oz. container)	5	\$5.76
Infant Fruits (4 oz. or 2—2 oz. pack)	5	\$2.00
Infant Meats (2 oz. container)	5	\$2.34
Infant Vegetables (4 oz. or 2—2 oz. pack)	5	\$2.21
Juice 11.5/12 oz.	5	\$5.00

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Juice 48 oz.	5	\$7.29
Juice 64 oz.	5	\$8.93
Light Tuna (5 oz. can)	5	\$2.70
Milk—Kosher—Low Fat 1/2 gallon	5	\$7.65
Milk—Low Fat 1/2 gallon	5	\$5.32
Milk—Whole—Kosher 1/2 gallon	5	\$7.85
Milk—Whole 1/2 gallon	5	\$5.23
Oats (16 oz.)	5	\$3.93
Peanut Butter (16—18 oz.)	5	\$6.77
Salmon (6 oz. can)	5	\$5.55
Sardines (3.75 oz. can)	5	\$3.90
Similac Adv Conc 13 oz.	5	\$18.05
Similac Adv Pwd 12.4 oz.	5	\$44.22
Similac Isomil Pwd 12.4 oz.	5	\$44.56
Tortilla (16 oz.)	5	\$5.80
Whole Wheat Pasta (16 oz.)	5	\$3.66

**United States Department of Agriculture (USDA)
Nondiscrimination Statement:**

In accordance with Federal civil rights law and the USDA civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (for example, Braille, large print, audiotope, American Sign Language), should contact the responsible State or local agency that administers the program or the USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact the USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to the USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax: (833) 256-1665 or (202) 690-7442, Program.Intake@usda.gov.

This institution is an equal opportunity provider.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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).

The Pennsylvania WIC program is funded by the USDA. The USDA is an equal opportunity provider.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-824. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Nursing Facility Assessment Program for Fiscal Year 2023-2024

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program (Assessment Program) beginning in Fiscal Year (FY) 2023-2024.

Background

Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Department of Human Services (Department) to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth. See 62 P.S. §§ 803-A and 815-A.¹

Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services (CMS), if necessary, to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2023-2024, the Department will submit a waiver request to CMS to implement changes to the Assessment Program as described in this notice. The implementation of these changes is contingent on CMS's approval of the waiver request.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary) determines the aggregate amount of the assessment and the annual assessment rates in consultation with the Secretary of the Budget. See 62 P.S. § 804-A. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for FFP. See 62 P.S. § 804-A.

Before imposing an annual assessment for a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin*. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

¹ Act 54 of 2022, § 16 amended the Commonwealth's Fiscal Code to reauthorize the assessment under Article VIII-A through June 30, 2026. See 72 P.S. § 1606-T.

This notice announces the assessment amounts, rates and methodology that the Department is proposing to implement in FY 2023-2024 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2023-2024.

Proposed Assessment Methodology and Rates

Beginning with FY 2023-2024, the Department is proposing to revise the criterion for inclusion in the lower tier rate by reducing the previous MA days requirement from 90,000 MA days to 80,000 MA days and eliminating the overall occupancy rate requirement. Eligibility for meeting this criterion is based on Calendar Year (CY) 2021 resident days data. No other changes to the current assessment methodology have been made. For the period July 1, 2023, to June 30, 2024, the Department intends to calculate each nonexempt facility's quarterly assessment amount by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately preceded the assessment quarter.

With these modifications, the Assessment Program will be implemented as follows:

For FY 2023-2024, the assessment will be imposed on all licensed nursing facilities in this Commonwealth except the following nursing facilities, which will be exempt from the Assessment Program:

- (1) State-owned and operated nursing facilities.
- (2) Veterans Administration nursing facilities.
- (3) Nursing facilities that provide nursing facility services free of charge to all residents.
- (4) Nursing facilities that have not been licensed and operated by either the current or a previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected. A nursing facility that changes ownership is not considered a newly licensed nursing facility for assessment purposes.

For FY 2023-2024, the Department is proposing to continue to assess nonexempt nursing facilities at two rates. The Department is proposing to continue to assess a rate of \$9.32 to the following five categories of nursing facilities:

- County nursing facilities.
- Nursing facilities that have 44 or fewer licensed beds.
- Certain continuing care retirement community (CCRC) nursing facilities (see 40 Pa.B. 7297 (December 18, 2010)).
- Nursing facilities with an MA occupancy rate of at least 94% based on CY 2021 resident days as of July 19, 2022. For the purpose of qualifying for the lower assessment rate, a nursing facility's MA occupancy rate will be calculated as follows: MA Occupancy Rate = Sum of Total PA MA Days from the CY 2021 resident days data ÷ Sum of Total Resident Days from the CY 2021 resident days data, rounded to two decimals (nearest whole percent).
- Nursing facilities with at least 80,000 MA days based on the CY 2021 resident days as of July 19, 2022.

For all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010, the Department is proposing to continue to assess these facilities at a rate of \$33.41.

Aggregate Assessment Amounts and Fiscal Impact

The Department estimates that if the proposed assessment rates are implemented, the annual aggregate as-

essment fees for nonexempt nursing facilities will total \$458.694 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

Public Comment

Interested persons are invited to submit written comments regarding this proposed assessment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Erica Justice, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments must be submitted within 30 days of publication of this notice. See 62 P.S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2023-2024. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

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-1584. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2022-23 is \$0; (3) 1st Succeeding Year 2023-24 is -\$458,694,000; 2nd Succeeding Year 2024-25 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$4,252,000,000; 2020-21 Program—\$3,166,000,000; 2019-20 Program—\$2,329,000,000; (7) Community HealthChoices; (8) recommends adoption. Funds have been included in the proposed budget to cover this increase.

[Pa.B. Doc. No. 23-825. Filed for public inspection June 23, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2023-2024

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2023-2024 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care, other resident related, administrative and capital. For each quarter of FY 2023-2024, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index for the appropriate picture date.

Additionally, the Fiscal Code amendments in Act 54 of 2022 (P.L. 540, No. 54) authorize a budget adjustment factor (BAF) until June 30, 2026.

A detailed description of the BAF formula is in the notice, Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor published at 52 Pa.B. 3637 (June 25, 2022). Under the proposed formula, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriation Act for the fiscal year. A BAF will be calculated each quarter for nonpublic nursing facilities.

Finally, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2023 will include the same level of funding that was in the General Appropriation Act of 2022.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. Again, in calculating the proposed rates, the Department assumes that the General Appropriation Act of 2023 will include the same level of funding that was in the General Appropriation Act of 2022.

The proposed annual per diem rates for FY 2023-2024, the July Quarterly BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <https://www.dhs.pa.gov/providers/Providers/Pages/Rates-Nursing%20Facilities.aspx> and at local county assistance offices throughout this Commonwealth or by contacting Erica Justice, Department of Human Services, Office of Long-Term Living, at (717) 857-3280.

Fiscal Impact

If the proposed payment rates are adopted as final, there will be no fiscal impact for per diem rate payments for nonpublic and county nursing facilities for FY 2023-2024. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2022.

Public Comment

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2023-2024 to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Erica Justice, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered.

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-1583. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-826. Filed for public inspection June 23, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

1332 Waiver Reinsurance Program—Program Parameters; Notice 2023-08

On July 24, 2020, the Centers for Medicare & Medicaid Services, a division of the United States Department of Health and Human Services, and the United States Department of the Treasury, approved the Insurance Department's 1332 Waiver Application. The approval is effective for a waiver period from January 1, 2021, through December 31, 2025, with a provision for a possible extension at the end of the initial term.

The reinsurance program is a claims-based, attachment point reinsurance program that will reimburse health insurers for claims costs of qualifying Affordable Care Act-compliant individual enrollees, where a percentage of the claims costs exceeding a specified threshold (attachment point) and up to a specified ceiling (reinsurance cap) will be reimbursed. Beginning January 1, 2024, the program adopted parameters will provide an attachment point of \$60,000, a cap of \$100,000 and a coinsurance rate of 50%.

Questions regarding this notice may be addressed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, RA-RATEFORM@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-827. Filed for public inspection June 23, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Adoption of Standards for Exemption; Notice 2023-09

By this notice, pursuant to 40 Pa.C.S. § 7143(b) (relating to adoption of exemption standards of NAIC Valuation Manual), enacted under the act of June 14, 2023 (P.L. 4, No. 2), I hereby adopt the standards for exemption specified in the January 1, 2023, Edition of the NAIC Valuation Manual.

Companies with questions regarding this notice should direct them to the company's assigned financial analyst.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-828. Filed for public inspection June 23, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Shamia M. McNeal; Doc. No. SC23-06-008

Notice is hereby given of the Order to Show Cause issued on June 7, 2023, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violations of the following are alleged: sections 611-A(1), (2), (8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(1), (2), (8) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-829. Filed for public inspection June 23, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Vista Health Plan, Inc.

Blue Cross Blue Shield of Michigan Mutual Insurance Company, a Michigan domiciled nonprofit mutual disability insurance company, has filed an application to acquire a minority interest of Vista Health Plan, Inc., a Pennsylvania domiciled health maintenance organization. The filing was received on June 8, 2023, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1414).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be e-mailed to Lori Rumpf, lrumpf@pa.gov. Comments re-

ceived will be part of the public record regarding the filings and will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-830. Filed for public inspection June 23, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Denver McCourt; License Denial Appeal; Doc. No. AG23-06-009

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Denver McCourt has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for July 20, 2023, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 18, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before July 6, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before July 18, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-831. Filed for public inspection June 23, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Section 1332 Waiver—Reinsurance Program Continues; Notice 2023-07

In April, the Insurance Department (Department) published Notice 2023-05 at 53 Pa.B. 2273 (April 22, 2023), proposing to submit a request to suspend the Section 1332 Innovation Waiver (2020 Waiver). The 2020 Waiver authorized the Department to create and implement a reinsurance program for the individual health insurance market's Qualified Health Plans. Notice 2023-05 sought public comment on the proposed plan of suspension.

The Department is grateful for the comments received on the possible suspension of the 2020 Waiver. At this

time, the Department is not pursuing its proposal and instead will maintain the reinsurance program for Plan Year 2024.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-832. Filed for public inspection June 23, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2023-3041234. Stroud Media, LLC and Planet Capital, LLC. Joint application of Stroud Media, LLC and Planet Capital, LLC for approval of a general rule transaction of Stroud Media, LLC to Planet Capital, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 10, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission (Commission) by means of eService on the Commission's web site at www.puc.pa.gov or at 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection on the Commission's web site and at the applicant's business address.

Applicants: Stroud Media, LLC; Planet Capital, LLC

Through and By Counsel: Kristopher E. Twomey, Law Office of Kristopher E. Twomey, PC, 1725 I Street, NW, Suite 300, Washington, DC 20006, (202) 681-1850, fax: (202) 517-9175, kris@lokt.net; Adam Rachlis, Latham & Watkins, 1271 Avenue of the Americas, New York, NY 10020, (212) 906-1265, Adam.Rachlis@lw.com; Ed Purcell, Price, Meese, Shulman & D'Arminio, 50 Tice Boulevard, Suite 380, Woodcliff Lake, NJ 07677, (201) 391-3737, EPurcell@pricemeese.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-833. Filed for public inspection June 23, 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 10, 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 10, 2023. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in

matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2023-3041108. Adek Enterprise, LLC (202 Melbourne Lane, Mechanicsburg, Cumberland County, PA 17055) persons in paratransit service, between points in the Counties of Cumberland, Dauphin, Lebanon and York.

A-2023-3040754. Fimos Global Service, LLC (5047 Wynnwood Road, Harrisburg, Dauphin County, PA 17109) persons in paratransit service, between points in the Counties of Dauphin, Lancaster, Lebanon and York.

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-2023-3041179. Envoy America, LLC (17767 North Perimeter Drive, Suite B-109, Scottsdale, Maricopa County, AZ 85255) for the discontinuance and cancellation of the right to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania, as originally docketed at Docket A-2019-3009326.

A-2023-3041203. New Bloomfield EMS (23 West High Street, New Bloomfield, Perry County, PA 17068) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in New Bloomfield, Perry County, and within an airline distance of 50 statutory miles of the municipality, to points in Pennsylvania, and return, provided that the following:

(1) No right, power or privilege is granted to originate transports in the Counties of Adams, Columbia, Franklin, Lancaster, Lebanon, Luzerne, Lycoming, Schuylkill and York.

(2) No right, power or privilege is granted to originate transports in the Borough of Danville, or the Townships of Cooper, Derry, Mahoning, Valley or West Hemlock, Montour County.

(3) The right to originate transports in Dauphin County is limited to the Townships of Halifax, Jackson, Jefferson, Middle Paxton, Mifflin, Reed, Rush, Upper Paxton, Washington, Wayne, Wiconisco and Williams, in the Boroughs of Berrysburg, Dauphin, Elizabethville, Gratz, Halifax, Lykens, Millersburg, Pillow and Williamstown, as well as all hospitals in Dauphin County.

(4) The right to originate transports in Cumberland County is limited to the Townships of Cooke, Dickinson, Hopewell, Lower Mifflin, Penn, South Newton, Southampton, Upper Frankford and Upper Mifflin, the Borough

of Newburg, as well as all hospitals in Cumberland County, and all HealthSouth facilities.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-834. Filed for public inspection June 23, 2023, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Water Service

A-2023-3041215. The York Water Company. In the matter of the application of The York Water Company, under 66 Pa.C.S. § 1102(a)(1) (relating to enumeration of acts requiring certificate) for approval of the right of The York Water Company to begin to offer or furnish water service to the public in additional portions of Reading Township, Adams County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 10, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission’s (Commission) web site at www.puc.pa.gov, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission’s web site at www.puc.pa.gov and at the applicant’s business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission’s Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: The York Water Company, 130 East Market Street, York, PA 17401

Through and By Counsel for: Michael W. Hassell, Esq., mhassell@postschell.com, Devin T. Ryan, Esq., dryan@postschell.com, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-835. Filed for public inspection June 23, 2023, 9:00 a.m.]

**PHILADELPHIA
PARKING AUTHORITY**

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority’s (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52

Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD’s Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than July 10, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-23-06-02. Gurniwaz, LLC (60 South Kirklyn Avenue, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-836. Filed for public inspection June 23, 2023, 9:00 a.m.]

**PUBLIC SCHOOL EMPLOYEES’
RETIREMENT BOARD**

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees’ Retirement Code), in connection with the Public School Employees’ Retirement System’s (System) denial of claimant’s request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees’ Retirement System, 5 North Fifth Street, Harrisburg, PA 17101.

October 4, 2023	Account of Joann Scott Dougherty (Effective Date of Retirement)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Executive Director

[Pa.B. Doc. No. 23-837. Filed for public inspection June 23, 2023, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) 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. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action 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.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Omer S. Stoltzfus— Veal Farm 1128 Fox Road Jersey Shore, PA 17740	Clinton County/ Crawford Township	34.33	Veal	New	Approved
Timothy Jay Hoover— Poultry Farm 763 Tourist Park Road Halifax, PA 17032	Dauphin County/ Halifax Township	179.5	Layers	New	Approved
Lester S. Martin— Heifer Farm 181 Martin Road New Holland, PA 17557	Lancaster County/ Earl Township	0	Cattle	New	Approved
Sandy Cliff Farm, LLC— Broiler Farm Operator: Mike Zimmerman 1708 Ridge Road Elizabethtown, PA 17022	Lancaster County/ Mount Joy Township	0	Broilers	New	Approved
Wen-Crest Farms, LLC— Farm 1 549 Schaeffer Road Lebanon, PA 17042	Lebanon County/ South Lebanon Township	952.8	Cattle	Amended	Approved
Wingert Farms, Inc.— Main Dairy 5497 Shade Lane Alexandria, PA 16611	Huntingdon County/ Porter Township	884.5	Cattle	Amended	Approved
Crist Esh—Tri Level Farm 1810 Slutter Valley Road Dornsife, PA 17823	Northumberland County/ Washington Township	207.25	Broilers	New	Approved
Ashton L. Weaver— Poultry Farm 136 Herr Drive Peach Bottom, PA 17563	Lancaster County/ Fulton Township	247.08	Broilers	New	Approved

RICHARD NEGRIN,
Acting Chairperson

[Pa.B. Doc. No. 23-838. Filed for public inspection June 23, 2023, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following projects from May 1, 2023, through May 31, 2023.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified.

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Repsol Oil & Gas USA, LLC; Pad ID: HARVEY (02 192) D; ABR-202305002; Covington Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 8, 2023.

2. Repsol Oil & Gas USA, LLC; Pad ID: TWIN RIDGE (02 185); ABR-201804001.R1; Covington Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 8, 2023.

3. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad R; ABR-201304013.R2; Lewis Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 8, 2023.

4. Seneca Resources Company, LLC; Pad ID: SGL 90D Pad; ABR-201103021.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 8, 2023.

5. Coterra Energy, Inc.; Pad ID: MooreS P1; ABR-201804002.R1; Jessup Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 9, 2023.

6. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 322 Pad C; ABR-201304006.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.5000 mgd; Approval Date: May 9, 2023.

7. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 596 Pad B; ABR-201304007.R2; Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.5000 mgd; Approval Date: May 9, 2023.

8. Chesapeake Appalachia, LLC; Pad ID: Runabuck Drilling Pad; ABR-201305008.R2; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 10.0000 mgd; Approval Date: May 24, 2023.

9. Repsol Oil & Gas USA, LLC; Pad ID: HUGHES (02 204) E; ABR-201804003.R1; Liberty Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 24, 2023.

10. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad J; ABR-202305001; Lewis Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 24, 2023.

11. SWN Production Company, LLC; Pad ID: Martin (Pad 11); ABR-201304009.R2; Standing Stone Township,

Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 24, 2023.

12. SWN Production Company, LLC; Pad ID: RU-23 MITCHELL PAD; ABR-201304012.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 24, 2023.

13. SWN Production Company, LLC; Pad ID: Tice (13 Pad); ABR-201304011.R2; Orwell Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 24, 2023.

14. SWN Production Company, LLC; Pad ID: WY-10-FALCONERO-PAD; ABR-201804004.R1; Forkston Township, Wyoming County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 24, 2023.

15. Campbell Oil & Gas, Inc.; Pad ID: Mid Penn Unit A Well Pad; ABR-201304002.R2; Bigler Township, Clearfield County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 28, 2023.

16. Chesapeake Appalachia, LLC; Pad ID: Hooker; ABR-201305001.R2; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2023.

17. Chesapeake Appalachia, LLC; Pad ID: Lightcap; ABR-201303009.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2023.

18. Chesapeake Appalachia, LLC; Pad ID: P. Cullen A Drilling Pad; ABR-201304019.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2023.

19. Chesapeake Appalachia, LLC; Pad ID: Visneski; ABR-201305002.R2; Mehoopany Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2023.

20. Coterra Energy, Inc.; Pad ID: ThomasR P1; ABR-201305005.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 28, 2023.

21. Repsol Oil & Gas USA, LLC; Pad ID: REPINE (07 022) T; ABR-201305009.R2; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 28, 2023.

22. Seneca Resources Company, LLC; Pad ID: Gamble Pad C Alt; ABR-201605001.R1; Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 28, 2023.

23. Seneca Resources Company, LLC; Pad ID: Root # 1; ABR-201605003.R1; Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 28, 2023.

24. Seneca Resources Company, LLC; Pad ID: Showalter 822; ABR-201105018.R2; Chatham Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 28, 2023.

25. Coterra Energy, Inc.; Pad ID: DiazM P1; ABR-201805003.R1; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 30, 2023.

26. EQT ARO, LLC; Pad ID: Alden Evans Pad A; ABR-201805001.R1; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 30, 2023.

27. Repsol Oil & Gas USA, LLC; Pad ID: KROPP (07 017) C; ABR-201305010.R2; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 30, 2023.

28. Repsol Oil & Gas USA, LLC; Pad ID: SCHMITT (07 043) D; ABR-201305012.R2; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 30, 2023.

29. Repsol Oil & Gas USA, LLC; Pad ID: TAYLOR BUCKHORN LAND CO (07 010); ABR-201305011.R2; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 30, 2023.

30. SWN Production Company, LLC; Pad ID: Ferguson-Keisling (Pad B); ABR-201304010.R2; Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 30, 2023.

31. Coterra Energy, Inc.; Pad ID: HouselR P1; ABR-201305015.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 31, 2023.

32. Coterra Energy, Inc.; Pad ID: HustonJ P1; ABR-201305014.R2; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 31, 2023.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

Dated: June 7, 2023

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 23-839. Filed for public inspection June 23, 2023, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

The Susquehanna River Basin Commission (Commission) lists the minor modifications approved for a previously approved project from May 1, 2023, through May 31, 2023.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists previously approved projects, receiving approval of minor modifications, described as follows, under 18 CFR 806.18 (relating to approval modifications) or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period previously specified.

1. Nature's Way Purewater Systems, Inc.—USHydrations—Dupont Bottling Plant, Docket No. 20230319, Dupont Borough, Luzerne County, PA; modification to rescind approval to withdraw groundwater from Covington Springs Borehole 1 and remove from approved consumptive use sources; Approval Date: May 10, 2023.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

Dated: June 7, 2023

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 23-840. Filed for public inspection June 23, 2023, 9:00 a.m.]

