

PENNSYLVANIA BULLETIN

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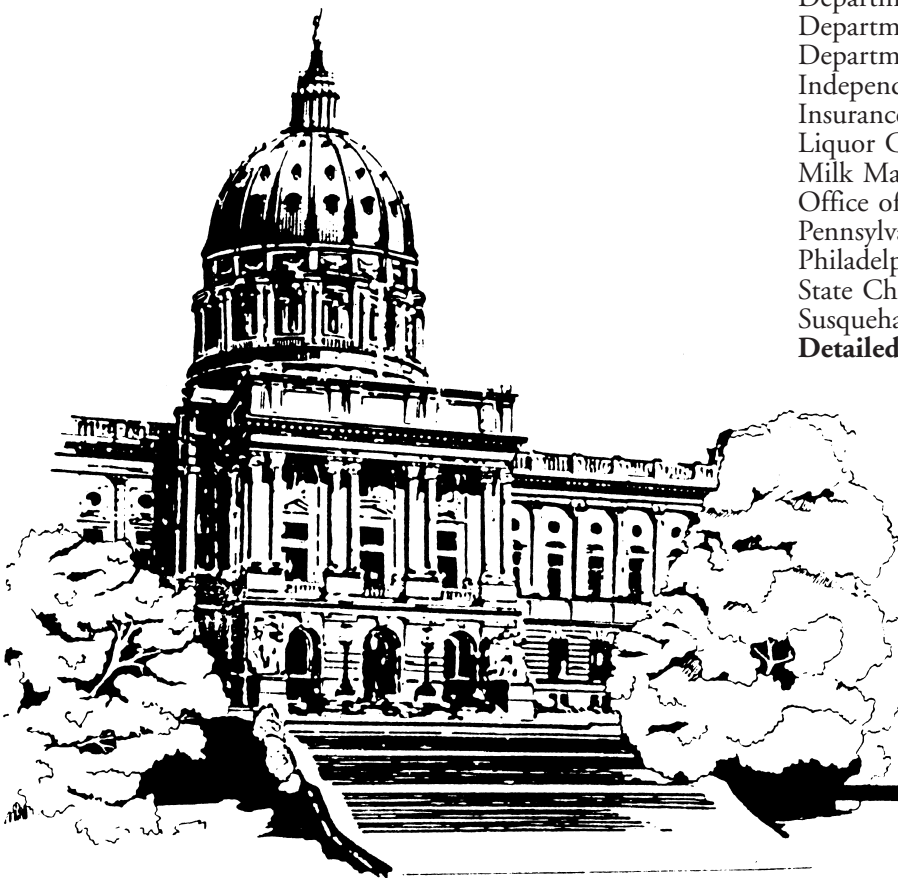
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 584, July 2023

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 2023-09]

Pennsylvania's Master Plan for Older Adults

May 25, 2023

Whereas, Pennsylvania values older adults and is committed to building and maintaining an age-friendly Commonwealth so that all Pennsylvanians may live with dignity and independence; and

Whereas, Pennsylvania is committed to supporting older adults, who choose to remain in their communities; and

Whereas, meaningful assistance for this commitment involves a broad range of public and private programs and resources including, but not limited to, physical and behavioral health, long-term services and supports, food and nutrition, housing, transportation, and community infrastructure; and

Whereas, older Pennsylvanians are vital contributors to our communities through shared experiences, quality employment, creativity, and cultural engagement; and

Whereas, Pennsylvania is home to innovators in all sectors of government, education, and industry, who have the skills, creativity, and ingenuity to design and implement progressive aging policies, programs, services, and infrastructure that would support older adults of all income levels to help them achieve good health, well-being, and a high quality of life; and

Whereas, the Older Americans Act of 1965, as amended, 42 U.C.S. §§ 3001—3058ff, tasks the Department with the responsibility for all matters affecting older adults across the Commonwealth, and for establishing programs aimed at promoting and ensuring the health, well-being, and independence of older adults; and

Whereas, pursuant to the Older Adult Protective Services Act, 35 P.S. §§ 10225.101—10225.5102, the Department, in coordination with other state agencies and stakeholders, is responsible for establishing and maintaining a statewide system of protective services for older adults and for developing and maintaining an ongoing program of public information and education to promote general knowledge of, and informed responses to, the protective services needs of older adults; and

Whereas, policies and programs that promote and support good health, well-being, and a high quality of life require active engagement with older adults, their families, caregivers, communities, and stakeholders to understand their needs and preferences; and

Whereas, it is in the best interest of older adults to establish a coordinated Commonwealth-wide initiative, consistent with leading policies and practices, in the public and private sectors that builds upon the core principles of transparency; diversity, equity, and inclusion; person-centeredness; and independent living.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby order and direct as follows:



Governor

Fiscal Note: GOV-2023-09. (1) Lottery Fund; (2) Implementing Year 2022-23 is \$959,000; (3) 1st Succeeding Year 2023-24 is \$150,000; 2nd Succeeding Year 2024-25 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$10,171,000; 2020-21 Program—\$9,966,000; 2019-20 Program—\$8,743,000; (7) Department of Aging General Government Operations; (8) recommends adoption. The Department of Aging General Government Operations appropriation is able to absorb this increase.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter ZZZ. PENNSYLVANIA'S MASTER PLAN FOR OLDER ADULTS

Sec.	Purpose.
5.1071.	Purpose.
5.1072.	Responsibilities.
5.1073.	Commonwealth Master Plan for Older Adults.
5.1074.	Relationships with other agencies.
5.1075.	General provisions.
5.1076.	Effective date.

§ 5.1071. Purpose.

The Pennsylvania Department of Aging (Department) shall evaluate issues facing older residents of this Commonwealth to set forth a Commonwealth Master Plan for Older Adults, which shall contain goals, objectives and initiatives that promote the health, well-being and quality of life of this Commonwealth's aging population and shall prepare the Commonwealth to deal with the continual changes related thereto.

§ 5.1072. Responsibilities.

(a) The Department shall do all of the following:

(1) Gather data and develop a data-driven Commonwealth Master Plan for Older Adults (Master Plan) that includes a comprehensive framework of policies and programs that seek to improve and support the health, wellbeing and quality of life of this Commonwealth's older adults.

(2) Identify services to older residents of this Commonwealth provided by other agencies under the Governor's jurisdiction.

(3) Identify agencies under the Governor's jurisdiction that may have information that will assist the Department in the creation of the Master Plan and gather that information, as necessary and permitted by law.

(4) Work in partnership with traditionally disadvantaged or underserved communities to understand their specific needs as older residents of this Commonwealth and where gaps in services may exist.

(5) Conduct outreach to independent State agencies, Federal, State and local partners, and where feasible, private entities to gather additional information that may assist in the development of the Master Plan, as permitted by law.

(b) *The Pennsylvania Long-Term Care Council (Council).*

(1) The Secretary of the Department of Aging (Secretary) may establish an executive working group (working group) to assist with the Master Plan, as deemed appropriate by the Secretary.

(i) The working group will consist of a multi-disciplinary team of members of the Council chosen by the Secretary or the Secretary's designee.

(ii) The Secretary or the Secretary's designee may form committees or sub-committees from the working group, as necessary, to support its goals.

(iii) Members of the Council may volunteer to participate in committees, sub-committees or participate, as determined and approved by the Secretary.

(2) The working group is responsible for assisting the Department in gathering, reviewing and studying data necessary for the Master Plan and for all of the following:

(i) Identifying new programs or policies that could be developed to aid older adult residents in this Commonwealth.

(ii) Identifying ways to eliminate barriers to advancement for older adult residents in this Commonwealth.

(iii) Identifying where gaps in services, programs or initiatives exist that negatively affect older adult residents in this Commonwealth.

(iv) Determining where coordination of existing programs can promote, improve or expand services for older adult residents in this Commonwealth.

§ 5.1073. Commonwealth Master Plan for Older Adults.

(a) The Department shall prepare the Commonwealth Master Plan for Older Adults (Master Plan) and present it to the Governor for his consideration on or before February 1, 2024.

(b) The Master Plan will set forth strategic planning over the next 10 years aimed at transforming the infrastructure and coordination of services with State agencies, as required by the Older Adult Protective Services Act (35 P.S. §§ 10225.101—10225.5102), for older adult populations in this Commonwealth.

(c) The Master Plan shall identify goals with measurable outcomes, available resources and other items the Department believes may be necessary for achieving the goals set forth in the Master Plan.

(d) The Department may provide the Governor updates regarding progress on the Master Plan on a quarterly basis.

§ 5.1074. Relationships with other agencies.

Commonwealth departments, boards, offices, commissions and other agencies under the Governor's jurisdiction shall cooperate with and provide assistance to the Department with respect to its purpose and responsibilities, as set forth in this subchapter.

§ 5.1075. General provisions.

Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency, office, board, commission or council, or the head thereof. This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 5.1076. Effective date.

This subchapter is effective immediately and shall remain in effect until the Commonwealth Master Plan for Older Adults is presented to the Governor for his consideration on or before February 1, 2024.

[Pa.B. Doc. No. 23-875. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-10]

Governor's Advisory Commission on African American Affairs

June 6, 2023

Whereas, African Americans in Pennsylvania make unique, diverse, and valuable contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to providing equality and opportunity for all Pennsylvanians, including increased access for African Americans to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, the contributions of the African American community are acknowledged, while it is recognized that challenges are still faced by many African Americans; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs, and concerns of African American Pennsylvanians, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on African American Affairs (hereinafter referred to as "Commission") and, further, order and direct the following:



Governor

Fiscal Note: GOV-2023-10. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter ZZ. [Reserved]

§§ 6.611—6.619. [Reserved].

Subchapter QQQ. GOVERNOR'S ADVISORY COMMISSION ON AFRICAN AMERICAN AFFAIRS

Sec.	
6.811.	Purpose.
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6.819.	Effective date.
6.820.	Termination date.
6.821.	Rescission.

§ 6.811. Purpose.

The purpose of the Governor's Advisory Commission on African American Affairs is to gather information regarding the experiences and needs of

African American residents of this Commonwealth; review, evaluate and assess programs affecting them; provide the Governor with information and recommendations regarding how best to meet their needs; and provide information about programs and services that may be relevant to the needs of African American residents of this Commonwealth.

§ 6.812. Responsibilities.

The Governor's Advisory Commission on African American Affairs shall have the following responsibilities:

(1) Review and recommend to the Governor policies regarding issues that affect African American residents of this Commonwealth.

(2) Work with the Governor's Office, at its request, to engage with Federal, State and local agencies to promote effective utilization of government programs impacting African Americans.

(3) Communicate with communities throughout this Commonwealth about activities and initiatives of the Administration that impact African American residents of this Commonwealth.

(4) Compile information about programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of African American residents of this Commonwealth.

§ 6.813. Composition.

(a) The Governor's Advisory Commission on African American Affairs (Commission) shall consist of no more than 30 voting members, who are representatives of this Commonwealth's African American community or have an interest in its success, and bring relevant experience, expertise and perspective to the Commission.

(b) The Governor shall designate one Commission member to serve as chairperson of the Commission. The Governor may also designate one Commission member to serve as vice chairperson. The chairperson and vice chairperson serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director shall prepare agendas, timelines and meeting schedules; convene meetings; oversee the activities of the Commission; and act as the Commission's liaison to the Governor's Office through the Governor's relevant designee.

(d) The Governor may appoint one or more non-voting honorary members to the Commission in addition to the 30 appointed members, who shall serve at the pleasure of the Governor. Honorary members shall receive no compensation or reimbursement of travel or related expenses. Section 6.814(d) shall not apply to honorary members.

§ 6.814. Terms of membership.

(a) Members of the Governor's Advisory Commission on African American Affairs (Commission) shall be appointed by and serve at the pleasure of the Governor.

(b) Voting members of the Commission shall be appointed for a term of 2 years and may continue to serve until their successor is appointed.

(c) Should a vacancy occur on the Commission, the Governor may appoint a successor to complete the term of the vacancy.

(d) A voting member, who is absent from two consecutive Commission meetings without excuse, shall forfeit membership on, and be removed from, the Commission.

§ 6.815. Compensation.

Members of the Governor's Advisory Commission on African American Affairs shall receive no compensation for their service, except that voting members may be reimbursed for reasonable travel and related expenses in accordance with Commonwealth policy.

§ 6.816. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on African American Affairs (Commission) to fulfill its responsibilities as set forth in this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

§ 6.817. Reports.

The Governor's Advisory Commission on African American Affairs (Commission) shall submit to the Governor an annual report outlining its activities and accomplishments. The Commission may submit other reports, at the request of the Governor, on issues affecting African American residents of this Commonwealth.

§ 6.818. Procedures.

(a) The Governor's Advisory Commission on African American Affairs (Commission) is authorized to establish rules and procedures for the effective implementation of its responsibilities, consistent with this subchapter.

(b) The Commission is authorized to establish subcommittees with specific purposes and goals set forth when established. Subcommittees may include advisory non-members, if approved by the Commission chairperson. Subcommittee advisory non-members shall receive no compensation or reimbursement of travel or related expenses.

(c) A majority of currently serving voting members in attendance at a meeting of the Commission shall constitute a quorum.

§ 6.819. Effective date.

This subchapter shall take effect immediately.

§ 6.820. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

§ 6.821. Rescission.

Effective immediately, Executive Order 2015-07, dated August 4, 2015, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 6, Subchapter ZZ, §§ 6.611—6.619, which is the codification of Executive Order 2015-07, is reserved as a result of the rescission of Executive Order 2015-07 under § 6.821.)

[Pa.B. Doc. No. 23-876. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-11]

Governor's Advisory Commission on Asian American and Pacific Islander Affairs

June 6, 2023

Whereas, Asian American and Pacific Islander ("AAPI") Pennsylvanians make unique, diverse, and valuable contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to providing equality and opportunity for all Pennsylvanians, including increased access for AAPI Pennsylvanians to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, the contributions of the AAPI community are acknowledged, while it is recognized that challenges are still faced by many AAPI Pennsylvanians; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs, and concerns of the AAPI community, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby reestablish, in the Office of the Governor, the Governor’s Advisory Commission on Asian American and Pacific Islander Affairs (hereinafter referred to as “Commission”) and, further order and direct the following:



Governor

Fiscal Note: GOV-2023-11. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR’S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter XX. [Reserved]

§§ 6.591—6.599. [Reserved].

Subchapter RRR. GOVERNOR’S ADVISORY COMMISSION ON ASIAN AMERICAN AND PACIFIC ISLANDER AFFAIRS

- Sec.
- 6.831. Purpose.
- 6.832. Responsibilities.
- 6.833. Composition.
- 6.834. Terms of membership.
- 6.835. Compensation.
- 6.836. Relationship with other agencies.
- 6.837. Reports.
- 6.838. Procedures.
- 6.839. Effective date.
- 6.840. Termination date.
- 6.841. Rescission.

§ 6.831. Purpose.

The purpose of the Governor’s Advisory Commission on Asian American and Pacific Islander (AAPI) Affairs is to gather information regarding the experiences and needs of AAPI residents of this Commonwealth; review, evaluate and assess programs affecting them; provide the Governor with information and recommendations regarding how best to meet their needs; and provide information about programs and services that may be relevant to the needs of AAPI residents of this Commonwealth.

§ 6.832. Responsibilities.

The Governor’s Advisory Commission on Asian American and Pacific Islander (AAPI) Affairs shall have the following responsibilities:

- (1) Review and recommend to the Governor policies regarding issues that affect AAPI residents of this Commonwealth.
- (2) Work with the Governor’s Office, at its request, to engage with Federal, State and local agencies to promote effective utilization of government programs impacting AAPI residents of this Commonwealth.

(3) Communicate with communities throughout this Commonwealth about activities and initiatives of the Administration that impact AAPI residents of this Commonwealth.

(4) Compile information about programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of AAPI residents of this Commonwealth.

§ 6.833. Composition.

(a) The Governor's Advisory Commission on Asian American and Pacific Islander (AAPI) Affairs (Commission) shall consist of no more than 30 voting members, who are representatives of this Commonwealth's AAPI community or have an interest in its success, and bring relevant experience, expertise and perspective to the Commission.

(b) The Governor shall designate one Commission member to serve as chairperson of the Commission. The Governor may also designate one Commission member to serve as vice chairperson. The chairperson and vice chairperson serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director shall prepare agendas, timelines and meeting schedules; convene meetings; oversee the activities of the Commission; and act as the Commission's liaison to the Governor's Office through the Governor's relevant designee.

(d) The Governor may appoint one or more non-voting honorary members to the Commission in addition to the 30 appointed members, who shall serve at the pleasure of the Governor. Honorary members shall receive no compensation or reimbursement of travel or related expenses. Section 6.834(d) shall not apply to honorary members.

§ 6.834. Terms of membership.

(a) Members of the Governor's Advisory Commission on Asian American and Pacific Islander Affairs (Commission) shall be appointed by and serve at the pleasure of the Governor.

(b) Voting members of the Commission shall be appointed for a term of 2 years and may continue to serve until their successor is appointed.

(c) Should a vacancy occur on the Commission, the Governor may appoint a successor to complete the term of the vacancy.

(d) A voting member, who is absent from two consecutive Commission meetings without excuse, shall forfeit membership on, and be removed from, the Commission.

§ 6.835. Compensation.

Members of the Governor's Advisory Commission on Asian American and Pacific Islander Affairs shall receive no compensation for their service, except that voting members may be reimbursed for reasonable travel and related expenses in accordance with Commonwealth policy.

§ 6.836. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Commission to fulfill its responsibilities as set forth in this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

§ 6.837. Reports.

The Governor's Advisory Commission on Asian American and Pacific Islander (AAPI) Affairs (Commission) shall submit to the Governor an annual report outlining its activities and accomplishments. The Commission may submit other reports, at the request of the Governor, on issues affecting AAPI residents of this Commonwealth.

§ 6.838. Procedures.

(a) The Governor's Advisory Commission on Asian American and Pacific Islander Affairs (Commission) is authorized to establish rules and procedures for the effective implementation of its responsibilities, consistent with this subchapter.

(b) The Commission is authorized to establish subcommittees with specific purposes and goals set forth when established. Subcommittees may include advisory non-members, if approved by the Commission chairperson. Subcommittee advisory non-members shall receive no compensation or reimbursement of travel or related expenses.

(c) A majority of currently serving voting members in attendance at a meeting of the Commission shall constitute a quorum.

§ 6.839. Effective date.

This subchapter shall take effect immediately.

§ 6.840. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

§ 6.841. Rescission.

Effective immediately, Executive Order 2015-10, dated August 4, 2015, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 6, Subchapter XX, §§ 6.591—6.599, which is the codification of Executive Order 2015-10, is reserved as a result of the rescission of Executive Order 2015-10 under § 6.841.)

[Pa.B. Doc. No. 23-877. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-13]

Governor's Advisory Commission on LGBTQ Affairs

June 6, 2023

Whereas, lesbian, gay, bisexual, transgender, and queer/questioning ("LGBTQ") Pennsylvanians make unique, diverse, and valuable contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to providing equality and opportunity for all Pennsylvanians, including increased access for LGBTQ Pennsylvanians to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, the contributions of the LGBTQ community are acknowledged, while it is recognized that challenges are still faced by many LGBTQ Pennsylvanians; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs, and concerns of the LGBTQ community, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby reestablish, in the Office of the Governor, the Governor's Advisory

Commission on LGBTQ Affairs (hereinafter referred to as “Commission”) and, further, order and direct the following:



Governor

Fiscal Note: GOV-2023-13. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR’S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter FFF. [Reserved]

§§ 6.701—6.708. [Reserved].

**Subchapter SSS. GOVERNOR’S ADVISORY COMMISSION ON
LGBTQ AFFAIRS**

Sec.	
6.851.	Purpose.
6.852.	Responsibilities.
6.853.	Composition.
6.854.	Terms of membership.
6.855.	Compensation.
6.856.	Relationship with other agencies.
6.857.	Reports.
6.858.	Procedures.
6.859.	Effective date.
6.860.	Termination date.
6.861.	Rescission.

§ 6.851. Purpose.

The purpose of the Governor’s Advisory Commission on LGBTQ Affairs is to gather information regarding the experiences and needs of LGBTQ residents of this Commonwealth; review, evaluate, and assess programs affecting them; provide the Governor with information and recommendations regarding how best to meet their needs; and provide information about programs and services that may be relevant to the needs of LGBTQ residents of this Commonwealth.

§ 6.852. Responsibilities.

The Governor’s Advisory Commission on LGBTQ Affairs shall have the following responsibilities:

(1) Review and recommend to the Governor policies regarding issues that affect LGBTQ residents of this Commonwealth.

(2) Work with the Governor’s Office, at its request, to engage with Federal, State and local agencies to promote effective utilization of government programs impacting LGBTQ residents of this Commonwealth.

(3) Communicate with communities throughout this Commonwealth about activities and initiatives of the Administration that impact LGBTQ residents of this Commonwealth.

(4) Compile information about programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of LGBTQ residents of this Commonwealth.

§ 6.853. Composition.

(a) The Governor’s Advisory Commission on LGBTQ Affairs (Commission) shall consist of no more than 30 voting members, who are representatives of this Commonwealth’s LGBTQ community or have an interest in its success, and bring relevant experience, expertise and perspective to the Commission.

(b) The Governor shall designate one Commission member to serve as chairperson of the Commission. The Governor may also designate one

Commission member to serve as vice chairperson. The chairperson and vice chairperson serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director shall prepare agendas, timelines and meeting schedules; convene meetings; oversee the activities of the Commission; and act as the Commission's liaison to the Governor's Office through the Governor's relevant designee.

(d) The Governor may appoint one or more non-voting honorary members to the Commission in addition to the 30 appointed members, who shall serve at the pleasure of the Governor. Honorary members shall receive no compensation or reimbursement of travel or related expenses. Section 6.854(d) shall not apply to honorary members.

§ 6.854. Terms of membership.

(a) Members of the Governor's Advisory Commission on LGBTQ Affairs (Commission) shall be appointed by and serve at the pleasure of the Governor.

(b) Voting members of the Commission shall be appointed for a term of 2 years and may continue to serve until their successor is appointed.

(c) Should a vacancy occur on the Commission, the Governor may appoint a successor to complete the term of the vacancy.

(d) A voting member, who is absent from two consecutive Commission meetings without excuse, shall forfeit membership on, and be removed from, the Commission.

§ 6.855. Compensation.

Members of the Governor's Advisory Commission on LGBTQ Affairs shall receive no compensation for their service, except that voting members may be reimbursed for reasonable travel and related expenses in accordance with Commonwealth policy.

§ 6.856. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on LGBTQ Affairs (Commission) to fulfill its responsibilities as set forth in this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

§ 6.857. Reports.

The Governor's Advisory Commission on LGBTQ Affairs (Commission) shall submit to the Governor an annual report outlining its activities and accomplishments. The Commission may submit other reports, at the request of the Governor, on issues affecting LGBTQ residents of this Commonwealth.

§ 6.858. Procedures.

(a) The Governor's Advisory Commission on LGBTQ Affairs (Commission) is authorized to establish rules and procedures for the effective implementation of its responsibilities, consistent with this subchapter.

(b) The Commission is authorized to establish subcommittees with specific purposes and goals set forth when established. Subcommittees may include advisory non-members, if approved by the Commission chairperson. Subcommittee advisory non-members shall receive no compensation or reimbursement of travel or related expenses.

(c) A majority of currently serving voting members in attendance at a meeting of the Commission shall constitute a quorum.

§ 6.859. Effective date.

This subchapter shall take effect immediately.

§ 6.860. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

§ 6.861. Rescission.

Effective immediately, Executive Order 2018-06, dated August 6, 2018, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 6, Subchapter FFF, §§ 6.701—6.708, which is the codification of Executive Order 2018-06, is reserved as a result of the rescission of Executive Order 2018-06 under § 6.861.)

[Pa.B. Doc. No. 23-878. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-12]

Governor's Advisory Commission on Latino Affairs

June 6, 2023

Whereas, Latinos in Pennsylvania make unique, diverse, and valuable contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to providing equality and opportunity for all Pennsylvanians, including increased access for Latinos to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, the contributions of the Latino community are acknowledged, while it is recognized that challenges are still faced by many Latinos; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs, and concerns of the Latino community, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on Latino Affairs (hereinafter referred to as "Commission") and, further, order and direct the following:



Governor

Fiscal Note: GOV-2023-12. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter WW. [Reserved]

§§ 6.581—6.589. [Reserved].

**Subchapter TTT. GOVERNOR'S ADVISORY COMMISSION ON
LATINO AFFAIRS**

Sec.	
6.871.	Purpose.
6.872.	Responsibilities.
6.873.	Composition.
6.874.	Terms of membership.
6.875.	Compensation.
6.876.	Relationship with other agencies.
6.877.	Reports.
6.878.	Procedures.
6.879.	Effective date.
6.880.	Termination date.
6.881.	Rescission.

§ 6.871. Purpose.

The purpose of the Governor's Advisory Commission on Latino Affairs is to gather information regarding the experiences and needs of Latino residents of this Commonwealth; review, evaluate and assess programs affecting them; provide the Governor with information and recommendations regarding how best to meet their needs; and provide information about programs and services that may be relevant to the needs of Latino residents of this Commonwealth.

§ 6.872. Responsibilities.

The Governor's Advisory Commission on Latino Affairs shall have the following responsibilities:

(1) Review and recommend to the Governor policies regarding issues that affect Latino residents of this Commonwealth.

(2) Work with the Governor's Office, at its request, to engage with Federal, State and local agencies to promote effective utilization of government programs impacting Latino residents of this Commonwealth.

(3) Communicate with communities throughout this Commonwealth about activities and initiatives of the Administration that impact Latino residents of this Commonwealth.

(4) Compile information about programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of Latino residents of this Commonwealth.

§ 6.873. Composition.

(a) The Commission shall consist of no more than 30 voting members, who are representatives of this Commonwealth's Latino community or have an interest in its success, and bring relevant experience, expertise and perspective to the Commission.

(b) The Governor shall designate one Commission member to serve as chairperson of the Commission. The Governor may also designate one Commission member to serve as vice chairperson. The chairperson and vice chairperson serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director shall prepare agendas, timelines and meeting schedules; convene meetings; oversee the activities of the Commission; and act as the Commission's liaison to the Governor's Office through the Governor's relevant designee.

(d) The Governor may appoint one or more non-voting honorary members to the Commission in addition to the 30 appointed members, who shall serve at the pleasure of the Governor. Honorary members shall receive no compensation or reimbursement of travel or related expenses. Section 6.874(d) shall not apply to honorary members.

§ 6.874. Terms of membership.

(a) Members of the Governor's Advisory Commission on Latino Affairs (Commission) shall be appointed by and serve at the pleasure of the Governor.

(b) Voting members of the Commission shall be appointed for a term of 2 years and may continue to serve until their successor is appointed.

(c) Should a vacancy occur on the Commission, the Governor may appoint a successor to complete the term of the vacancy.

(d) A voting member, who is absent from two consecutive Commission meetings without excuse, shall forfeit membership on, and be removed from, the Commission.

§ 6.875. Compensation.

Members of the Governor's Advisory Commission on Latino Affairs shall receive no compensation for their service, except that voting members may be reimbursed for reasonable travel and related expenses in accordance with Commonwealth policy.

§ 6.876. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on Latino Affairs (Commission) to fulfill its responsibilities as set forth in this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

§ 6.877. Reports.

The Governor's Advisory Commission on Latino Affairs (Commission) shall submit to the Governor an annual report outlining its activities and accomplishments. The Commission may submit other reports, at the request of the Governor, on issues affecting Latino residents of this Commonwealth.

§ 6.878. Procedures.

(a) The Governor's Advisory Commission on Latino Affairs (Commission) is authorized to establish rules and procedures for the effective implementation of its responsibilities, consistent with this subchapter.

(b) The Commission is authorized to establish subcommittees with specific purposes and goals set forth when established. Subcommittees may include advisory non-members, if approved by the Commission chairperson. Subcommittee advisory non-members shall receive no compensation or reimbursement of travel or related expenses.

(c) A majority of currently serving voting members in attendance at a meeting of the Commission shall constitute a quorum.

§ 6.879. Effective date.

This subchapter shall take effect immediately.

§ 6.880. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

§ 6.881. Rescission.

Effective immediately, Executive Order 2015-08, dated August 4, 2015, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 6, Subchapter WW, §§ 6.581—6.589, which is the codification of Executive Order 2015-08, is reserved as a result of the rescission of Executive Order 2015-08 under § 6.881.)

[Pa.B. Doc. No. 23-879. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-14]

Governor's Advisory Commission on Next Generation Engagement

June 6, 2023

Whereas, Pennsylvanians aged 16—26 (“Next Generation”) make unique, diverse, and valuable contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to engaging its Next Generation population effectively; and

Whereas, the Next Generation has unique needs from its government and often uses methods of communicating with government programs, agencies, and officials that may be distinct from other Pennsylvanians; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs, and concerns of the Next Generation, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish, in the Office of the Governor, the Governor's Advisory Commission on Next Generation Engagement (hereinafter referred to as “Commission”) and, further, order and direct the following:



Governor

Fiscal Note: GOV-2023-14. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter UUU. GOVERNOR'S ADVISORY COMMISSION ON NEXT GENERATION ENGAGEMENT

Sec.	
6.891.	Purpose.
6.892.	Responsibilities.
6.893.	Composition.
6.894.	Terms of membership.
6.895.	Compensation.
6.896.	Relationship with other agencies.
6.897.	Reports.
6.898.	Procedures.
6.899.	Effective date.
6.900.	Termination date.

§ 6.891. Purpose.

The purpose of the Commission is to gather information regarding the experiences and needs of residents of this Commonwealth who are 16 years of age or older but under 27 years of age (Next Generation residents of this Commonwealth); review, evaluate, and assess programs affecting them; provide the Governor with information and recommendations regarding how

best to meet their needs; and provide information about programs and services that may be relevant to the needs of Next Generation residents of this Commonwealth.

§ 6.892. Responsibilities.

The Governor's Advisory Commission on Next Generation Engagement shall have the following responsibilities:

(1) Review and recommend to the Governor policies regarding issues that affect Next Generation residents of this Commonwealth.

(2) Work with the Governor's Office, at its request, to engage with Federal, State and local agencies to promote effective utilization of government programs impacting the Next Generation residents of this Commonwealth.

(3) Communicate with communities throughout this Commonwealth about activities and initiatives of the Administration that impact Next Generation residents of this Commonwealth.

(4) Compile information about programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of Next Generation residents of this Commonwealth.

(5) Provide information and recommendations to the Governor's Office on the latest social, digital, or other communication strategies employed by Next Generation residents of this Commonwealth.

§ 6.893. Composition.

(a) The Governor's Advisory Commission on Next Generation Engagement (Commission) shall consist of no more than 30 voting members, who are representatives of this Commonwealth's Next Generation or have an interest in its success, and bring relevant experience, expertise and perspective to the Commission.

(b) The Governor shall designate one Commission member to serve as chairperson of the Commission. The Governor may also designate one Commission member to serve as vice chairperson. The chairperson and vice chairperson serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director shall prepare agendas, timelines and meeting schedules; convene meetings; oversee the activities of the Commission; and act as the Commission's liaison to the Governor's Office through the Governor's relevant designee.

(d) The Governor may appoint one or more non-voting honorary members to the Commission in addition to the 30 appointed members, who shall serve at the pleasure of the Governor. Honorary members shall receive no compensation or reimbursement of travel or related expenses. Section 6.894(d) shall not apply to honorary members.

§ 6.894. Terms of Membership.

(a) Members of the Governor's Advisory Commission on Next Generation Engagement (Commission) shall be appointed by and serve at the pleasure of the Governor.

(b) Voting members of the Commission shall be appointed for a term of 2 years and may continue to serve until their successor is appointed.

(c) Should a vacancy occur on the Commission, the Governor may appoint a successor to complete the term of the vacancy.

(d) A voting member, who is absent from two consecutive Commission meetings without excuse, shall forfeit membership on, and be removed from, the Commission.

§ 6.895. Compensation.

Members of the Governor's Advisory Commission on Next Generation Engagement shall receive no compensation for their service, except that voting members may be reimbursed for reasonable travel and related expenses in accordance with Commonwealth policy.

§ 6.896. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on Next Generation Engagement (Commission) to fulfill its responsibilities as set forth in this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

§ 6.897. Reports.

The Governor's Advisory Commission on Next Generation Engagement (Commission) shall submit to the Governor an annual report outlining its activities and accomplishments. The Commission may submit other reports, at the request of the Governor, on issues affecting Next Generation residents of this Commonwealth.

§ 6.898. Procedures.

(a) The Governor's Advisory Commission on Next Generation Engagement (Commission) is authorized to establish rules and procedures for the effective implementation of its responsibilities, consistent with this subchapter.

(b) The Commission is authorized to establish subcommittees with specific purposes and goals set forth when established. Subcommittees may include advisory non-members, if approved by the Commission chairperson. Subcommittee advisory non-members shall receive no compensation or reimbursement of travel or related expenses.

(c) A majority of currently serving voting members in attendance at a meeting of the Commission shall constitute a quorum.

§ 6.899. Effective date.

This subchapter shall take effect immediately.

§ 6.900. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 23-880. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-15]

Governor's Advisory Commission on Women

June 6, 2023

Whereas, women in Pennsylvania make unique, diverse, and valuable contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to providing equality and opportunity for all Pennsylvanians including increased access for women to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs, and concerns of women, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of

the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby reestablish, in the Office of the Governor, and rename the Governor's Advisory Commission on Women (hereinafter referred to as "Commission") and, further, order and direct the following:



Governor

Fiscal Note: GOV-2023-15. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter BBB. [Reserved]

§§ 6.641—6.648. [Reserved].

**Subchapter VVV. GOVERNOR'S ADVISORY
COMMISSION ON WOMEN**

Sec.	
6.911.	Purpose.
6.912.	Responsibilities.
6.913.	Composition.
6.914.	Terms of membership.
6.915.	Compensation.
6.916.	Relationship with other agencies.
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6.918.	Procedures.
6.919.	Effective date.
6.920.	Termination date.
6.921.	Rescission.

§ 6.911. Purpose.

The purpose of the Governor's Advisory Commission on Women is to gather information regarding the experiences and needs of women who are residents of this Commonwealth; review, evaluate and assess programs affecting them; provide the Governor with information and recommendations regarding how best to meet their needs; and provide information about programs and services that may be relevant to the needs of women who are residents of this Commonwealth.

§ 6.912. Responsibilities.

The Governor's Advisory Commission on Women shall have the following responsibilities:

- (1) Review and recommend to the Governor policies regarding issues that affect women who are residents of this Commonwealth.
- (2) Work with the Governor's Office, at its request, to engage with Federal, State and local agencies to promote effective utilization of government programs impacting women who are residents of this Commonwealth.
- (3) Communicate with communities throughout this Commonwealth about activities and initiatives of the Administration that impact women who are residents of this Commonwealth.
- (4) Compile information about programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of women who are residents of this Commonwealth.

§ 6.913. Composition.

(a) The Governor's Advisory Commission on Women (Commission) shall consist of no more than 30 voting members, who are representatives of

women who are residents of this Commonwealth or have an interest in their success, and bring relevant experience, expertise and perspective to the Commission.

(b) The Governor shall designate one Commission member to serve as chairperson of the Commission. The Governor may also designate one Commission member to serve as vice chairperson. The chairperson and vice chairperson serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director shall prepare agendas, timelines and meeting schedules; convene meetings; oversee the activities of the Commission; and act as the Commission's liaison to the Governor's Office through the Governor's relevant designee.

(d) The Governor may appoint one or more non-voting honorary members to the Commission in addition to the 30 appointed members, who shall serve at the pleasure of the Governor. Honorary members shall receive no compensation or reimbursement of travel or related expenses. Section 6.914(d) shall not apply to honorary members.

§ 6.914. Terms of membership.

(a) Members of the Governor's Advisory Commission on Women (Commission) shall be appointed by and serve at the pleasure of the Governor.

(b) Voting members of the Commission shall be appointed for a term of 2 years and may continue to serve until their successor is appointed.

(c) Should a vacancy occur on the Commission, the Governor may appoint a successor to complete the term of the vacancy.

(d) A voting member, who is absent from two consecutive Commission meetings without excuse, shall forfeit membership on, and be removed from, the Commission.

§ 6.915. Compensation.

Members of the Governor's Advisory Commission on Women shall receive no compensation for their service, except that voting members may be reimbursed for reasonable travel and related expenses in accordance with Commonwealth policy.

§ 6.916. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on Women (Commission) to fulfill its responsibilities as set forth in this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

§ 6.917. Reports.

The Governor's Advisory Commission on Women (Commission) shall submit to the Governor an annual report outlining its activities and accomplishments. The Commission may submit other reports, at the request of the Governor, on issues affecting women who are residents of this Commonwealth.

§ 6.918. Procedures.

(a) The Governor's Advisory Commission on Women (Commission) is authorized to establish rules and procedures for the effective implementation of its responsibilities, consistent with this subchapter.

(b) The Commission is authorized to establish subcommittees with specific purposes and goals set forth when established. Subcommittees may include advisory non-members, if approved by the Commission chairperson. Subcommittee advisory non-members shall receive no compensation or reimbursement of travel or related expenses.

(c) A majority of currently serving voting members in attendance at a meeting of the Commission shall constitute a quorum.

§ 6.919. Effective date.

This subchapter shall take effect immediately.

§ 6.920. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

§ 6.921. Rescission.

Effective immediately, Executive Order 2017-02, dated October 6, 2017, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 6, Subchapter BBB, §§ 6.641—6.648, which is the codification of Executive Order 2017-02, is reserved as a result of the rescission of Executive Order 2017-02 under § 6.921.)

[Pa.B. Doc. No. 23-881. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CHS. 7 AND 7a]

[EXECUTIVE ORDER NO. 2023-16]

Public Private Partnership

Date: June 9, 2023

Whereas, Pennsylvania is fortunate in having an abundance of world-class private sector resources and leaders, who desire to better their communities and the Commonwealth; and

Whereas, the Commonwealth desires to develop an innovation-driven economy, increase wealth-generating job opportunities for all citizens, encourage business growth, expand Pennsylvania-based business export opportunities, and harness Pennsylvania's potential across multiple industries and sectors; and

Whereas, a successful, sustainable, and vibrant economy is dependent upon Pennsylvania's ability to compete in a global economy on behalf of its workforce and communities; and

Whereas, the input, perspective, engagement, and support of business leaders is essential to the Commonwealth's economic growth and prosperity; and

Whereas, it is essential to foster public and private sector investment to continue economic growth, which can be accomplished by addressing the needs of and challenges faced by all Pennsylvanians, to assure the Commonwealth's edge in the national and global marketplace; and

Whereas, a public private partnership is critical for convening the Commonwealth's leaders to provide input, perspective, and resources and is essential to achieving our collective goals; and

Whereas, the use of a public private partnership to bring business, government, community, labor, and education leaders together is essential to accomplishing these goals; and

Whereas, Team Pennsylvania Foundation is a dynamic resource for Pennsylvania, created as a nonprofit corporation incorporated in 1997, under 15 Pa.C.S. Subpart C (relating to Nonprofit Corporation Law of 1988), to assist the Commonwealth in increasing job growth, retention, and creation within Pennsylvania.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby recognize, affirm, and celebrate the economic development and growth partnership between the Commonwealth and the Team Pennsylvania Foundation.



Governor

Fiscal Note: GOV-2023-16. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter III. PUBLIC PRIVATE PARTNERSHIP

Sec.	
7.961.	Purpose.
7.962.	Cooperation of State agencies.
7.963.	Appointments.
7.964.	Applicability.
7.965.	Effective date.
7.966.	Rescission.

§ 7.961. Purpose.

The purpose of the affirmation of the partnership between the Commonwealth and Team Pennsylvania Foundation is to accelerate economic opportunities to position Pennsylvania as a leader Nationally and globally; advance the conditions for innovative, technological-driven and market-driven solutions to grow the economy and jobs; create equity and economic vitality for all residents of this Commonwealth; address complex, visionary and transformative issues that drive Pennsylvania's economy; and leverage collaboration across public and private sectors as a catalyst and enabler for business investment, attraction, retention and growth.

§ 7.962. Cooperation of State agencies.

Agencies under the Governor's jurisdiction shall recognize the Team Pennsylvania Foundation as a unique and trusted partnership with the Commonwealth and cooperate with and support it to the extent permissible under applicable laws, policies and regulations to assist it in pursuing our common mission of creating or expanding business opportunities and accelerating economic growth in this Commonwealth and for all residents of this Commonwealth.

§ 7.963. Appointments.

To help ensure private sector engagement and participation, the Governor will endeavor to include Team Pennsylvania Foundation leadership on all relevant commissions, boards and appointments to other bodies and positions, as appropriate.

§ 7.964. Applicability.

This subchapter is intended to promote the attainment of the mission and goals of the Team Pennsylvania Foundation insofar as they enhance the economic betterment of the Commonwealth and is not intended to create any right or benefit, whether substantive or procedural, that is enforceable at law or in equity by any party against the Commonwealth, its departments, agencies, officers, employees or agents, or against any other person.

§ 7.965. Effective date.

This subchapter shall take effect immediately and remain in effect until amended or rescinded by the Governor.

§ 7.966. Rescission.

Effective immediately, Executive Order 2017-06, dated December 20, 2017, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 7a, Subchapter O, §§ 7a.161—7a.166, which is the codification of Executive Order 2017-06, is reserved as a result of the rescission of Executive Order 2017-06 under § 7.966.)

CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS**Subchapter O. [Reserved]****§§ 7a.161—7a.166. [Reserved].**

[Pa.B. Doc. No. 23-882. Filed for public inspection July 7, 2023, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 69]

**Amendments to the Internal Operating Procedures
of the Commonwealth Court of Pennsylvania;
No. 126 Misc. Docket No. 3**

Order

Now, this 20th day of June, 2023, it is *Ordered* that the Internal Operating Procedures of the Commonwealth Court of Pennsylvania are hereby amended in the following form. These amendments shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

By the Court

RENÉE COHN JUBELIRER,
President Judge

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 69. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT OF PENNSYLVANIA

APPELLATE JURISDICTION

§ 69.256. Decisions; Effect of Disagreements.

(a) If a draft opinion in circulation in any case produces any combination of four or more proposed dissents, objections, **concur in result only** or concurring opinions, the opinion-writing Judge shall not file the opinion but shall notify the President Judge to list the case for consideration at the next judicial conference. [**For purposes of this subsection the notation “concur in result only” shall not be considered in the foregoing combination.**] If, pursuant to vote after judicial conference consideration, a majority of all of the Judges, as well as a majority of the Judges who heard the case or to whom it was submitted on briefs, favor the result reached in the circulated draft opinion, that opinion, together with any concurring or dissenting opinions and notations of concurrences or dissents, shall be filed. Otherwise, if judicial conference consideration and vote does not warrant reassignment in accordance with § 69.254, the President Judge shall list the case for [**reargument**] **consideration** before the Court en banc.

* * * * *

[Pa.B. Doc. No. 23-883. Filed for public inspection July 7, 2023, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 5 AND 7]

Proposed Amendment of Pa.R.Crim.P. 122; Rescission of Pa.R.Crim.P. 520—529 and Replacement with Pa.R.Crim.P. 520.1—520.19; Adoption of Pa.R.Crim.P. 708.1, and Renumbering and Amendment of Pa.R.Crim.P. 708.

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the proposed amendment of Pa.R.Crim.P. 122 (Appointment of Counsel); rescission of Pa.R.Crim.P. 520—529 and replacement with Pa.R.Crim.P. 520.1—520.19 governing bail proceedings; adoption of Pa.R.Crim.P. 708.1 (Violation of Probation or Parole: Notice, Detainer, *Gagnon* I Hearing, Disposition, and Swift Sanction Program), and renumbering and amendment of Pa.R.Crim.P. 708 (Violation of Probation or Parole: *Gagnon* II Hearing and Disposition), for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Joshua M. Yohe, Counsel
Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9521
criminalrules@pacourts.us

All communications in reference to the proposal should be received by Friday, September 8, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

STEFANIE J. SALAVANTIS,
Chair

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION
AND DEFINITIONS, LOCAL RULES**

PART B. Counsel

(*Editor's Note:* Rule 122 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")

Rule 122. Appointment of Counsel.

[(A)] (a) Counsel shall be appointed:

(1) in all summary cases, for all defendants who are without financial resources or who are otherwise unable to employ counsel when there is a likelihood that imprisonment will be imposed;

(2) in all court cases, prior to the preliminary hearing to all defendants who are without financial resources [or], who are otherwise unable to employ counsel, **or as required by rule;**

(3) in all cases, by the court, on its own motion, when the interests of justice require it.

[(B)] (b) When counsel is appointed,

(1) the judge shall enter an order indicating the name, address, and phone number of the appointed counsel, and the order shall be served on the defendant, the appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth pursuant to Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries); and

(2) **unless otherwise provided in these rules,** the appointment shall be effective until final judgment, including any proceedings upon direct appeal.

[(C)] (c) A motion for change of counsel by a defendant for whom counsel has been appointed shall not be granted except for substantial reasons.

Comment:

This rule is designed to implement the decisions of *Argersinger v. Hamlin*, 407 U.S. 25 (1972), and *Coleman v. Alabama*, 399 U.S. 1 (1970), that no defendant in a summary case be sentenced to imprisonment unless the defendant was represented at trial by counsel, and that every defendant in a court case has counsel starting no later than the preliminary hearing stage.

No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See Rule 454 (Trial in Summary Cases) concerning the right to counsel at a summary trial.

Appointment of counsel can be waived if such waiver is knowing, intelligent, and voluntary. See *Faretta v. California*, 422 U.S. 806 (1975). Concerning the appointment of standby counsel for the defendant who elects to proceed *pro se*, see Rule 121.

In both summary and court cases, the appointment of counsel to represent indigent defendants remains in effect until all appeals on direct review have been completed.

Ideally, counsel should be appointed to represent indigent defendants immediately after they are brought before the issuing authority in all summary cases in which a jail sentence is possible, and immediately after preliminary arraignment in all court cases. This rule strives to accommodate the requirements of the Supreme Court of

the United States to the practical problems of implementation. Thus, in summary cases, [**paragraph (A)(1) subdivision (a)(1)**] requires a pretrial determination by the issuing authority as to whether a jail sentence would be likely in the event of a finding of guilt in order to determine whether trial counsel should be appointed to represent indigent defendants. It is expected that the issuing authorities in most instances will be guided by their experience with the particular offense with which defendants are charged. This is the procedure recommended by the ABA Standards Relating to Providing Defense Services § 4.1 (Approved Draft 1968) and cited in the United States Supreme Court's opinion in *Argersinger, supra*. If there is any doubt, the issuing authority can seek the advice of the attorney for the Commonwealth, if one is prosecuting the case, as to whether the Commonwealth intends to recommend a jail sentence in case of conviction.

In court cases, [**paragraph (A)(2) subdivision (a)(2)**] requires counsel to be appointed at least in time to represent the defendant at the preliminary hearing. Although difficulty may be experienced in some judicial districts in meeting the *Coleman* requirement, it is believed that this is somewhat offset by the prevention of many post-conviction proceedings that would otherwise be brought based on the denial of the right to counsel. However, there may be cases in which counsel has not been appointed prior to the preliminary hearing stage of the proceedings, *e.g.*, counsel for the preliminary hearing has been waived, or a then-ineligible defendant subsequently becomes eligible for appointed counsel. In such cases, it is expected that the defendant's right to appointed counsel will be effectuated at the earliest appropriate time.

Counsel must be appointed for a defendant, regardless of financial resources, for a hearing to review bail conditions pursuant to Rule 520.15 or impose pretrial detention pursuant to Rule 520.16. See Rule 520.5.

An attorney may not be appointed to represent a defendant in a capital case unless the attorney meets the educational and experiential requirements set forth in Rule 801 (Qualifications for Defense Counsel in Capital Cases).

[**Paragraph (A)(3) Subdivision (a)(3)**] retains in the issuing authority or judge the power to appoint counsel regardless of indigency or other factors when, in the issuing authority's or judge's opinion, the interests of justice require it.

Pursuant to [**paragraph (B)(2) subdivision (b)(2)**] counsel retains his or her appointment until final judgment, which includes all avenues of appeal through the Supreme Court of Pennsylvania. In making the decision whether to file a petition for allowance of appeal, counsel must (1) consult with his or her client, and (2) review the standards set forth in Pa.R.A.P. 1114 (Considerations Governing Allowance of Appeal) and the [**note**] **commentary** following that rule. If the decision is made to file a petition, counsel must carry through with that decision. See *Commonwealth v. Liebel*, [**573 Pa. 375,**] 825 A.2d 630 (**Pa.** 2003). Concerning counsel's obligations as appointed counsel, see *Jones v. Barnes*, 463 U.S. 745 (1983). See also *Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. 2001). **The scope and term of counsel's representation may also be limited by rule. For example, see Rule 520.5(d) that provides for limited**

representation for initial bail determination, review of bail conditions, and pretrial detention.

See *Commonwealth v. Alberta*, [601 Pa. 473,] 974 A.2d 1158 (Pa. 2009)[, in which the Court stated that] (“[a]ppointed] Appointed counsel who has complied with *Anders* [v. *California*, 386 U.S. 738 (1967),] and is permitted to withdraw discharges the direct appeal obligations of counsel. Once counsel is granted leave to withdraw per *Anders*, a necessary consequence of that decision is that the right to appointed counsel is at an end.”).

For suspension of Acts of Assembly, see Rule 1101.

[**Note:**

Rule 318 adopted November 29, 1972, effective 10 days hence, replacing prior rule; amended September 18, 1973, effective immediately; renumbered Rule 316 and amended June 29, 1977, and October 21, 1977, effective January 1, 1978; renumbered Rule 122 and amended March 1, 2000, effective April 1, 2001; amended March 12, 2004, effective July 1, 2004; Comment revised March 26, 2004, effective July 1, 2004; Comment revised June 4, 2004, effective November 1, 2004; amended April 28, 2005, effective August 1, 2005; Comment revised February 26, 2010, effective April 1, 2010.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the March 12, 2004 editorial amendment to paragraph (C)(3), and the Comment revision concerning duration of counsel’s obligation, published with the Court’s Order at 34 Pa.B. 1671 (March 27, 2004).

Final Report explaining the March 26, 2004 Comment revision concerning *Alabama v. Shelton* published with the Court’s Order at 34 Pa.B. 1929 (April 10, 2004).

Final Report explaining the April 28, 2005 changes concerning the contents of the appointment order published with the Court’s Order at 35 Pa.B. 2855 (May 14, 2005).

Final Report explaining the February 26, 2010 revision of the Comment adding a citation to *Commonwealth v. Alberta* published at 40 Pa.B. 1396 (March 13, 2010).]

**CHAPTER 5. PRETRIAL PROCEDURES
IN COURT CASES**

PART C. Bail

The following text is entirely new.

(*Editor’s Note:* Rules 520—529 of the Rules of Criminal Procedure, which appear in 234 Pa. Code pages 5-24.11 to 5-39, serial pages (407915) to (407916), (312439) to (312440), (395665) to (395666), (382199) to (382200), (312441) to (312443), (335941) to (335942), (376049) to (376050) and (409865) to (409867) are proposed to be rescinded and replaced with the following proposed new rules, which are printed in regular type to enhance readability.)

Introduction

In accordance with Section 5702 of the Judicial Code, 42 Pa.C.S. § 5702, which provides that “all matters

relating to the fixing, posting, forfeiting, exoneration, and distribution of bail and recognizances shall be governed by general rules,” the rules in this subchapter govern the bail determination procedures for the release of a defendant from custody pending the full and final disposition of the defendant’s case. In 202 __, Pa.R.Crim.P. 520—529 were rescinded and replaced with Pa.R.Crim.P. 520.1—520.19 effective _____, 202 __.

The goal of the bail determination procedures is for the least number of people being detained, through timely release at the earliest stage, as is necessary to reasonably ensure appearance for court and the safety of the community, including the victim.

All defendants will receive a determination of bail eligibility. Unless the defendant is charged with a disqualifying offense, the process begins with an individualized assessment of release factors to determine whether a defendant is bailable. After considering these factors, the bail authority shall make a determination of the least restrictive necessary and available conditions to reasonably assure the purpose of bail, if any. The purpose of this determination is not to impose punishment. A defendant may not be eligible for bail following a detention hearing. “When the Commonwealth seeks to deny bail, the quality of its evidence must be such that it persuades the bail court that it is substantially more likely than not that the accused is nonbailable, which is just to say that the proof is evident or the presumption great.” *Commonwealth v. Talley*, 265 A.3d 485, 524-25 (Pa. 2021).

Rule 520.1. Purpose of Bail.

(a) *Purpose.* The purpose of bail is to release timely a defendant at the earliest stage with any conditions to reasonably assure:

- (1) the defendant’s appearance for court; and
- (2) the safety of the community, including the victim, from harm by the defendant.

(b) *Detention.* A defendant shall not be detained unless no available condition or combination of conditions can fulfill the purpose of bail.

(c) *Agreements.* A bail authority shall accept no agreement of the parties concerning bail conditions unless the bail authority is satisfied the agreement is consistent with the purpose of bail.

Comment:

Article I, § 14 of the Pennsylvania Constitution states: “All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.” See also *Commonwealth v. Talley*, 265 A.3d 485, 525 (Pa. 2021) (“[W]e hold that when the Commonwealth seeks to deny bail due to the alleged safety risk the accused poses to ‘any person and the community,’ those qualitative standards demand that the Commonwealth demonstrates that it is substantially more likely than not that (1) the accused will harm someone if he is released and (2) there is no condition of bail within the court’s power that reasonably can prevent the defendant from inflicting that harm.”).

A defendant charged with a capital offense or an offense having a maximum sentence of life imprisonment is not bailable regardless of any available condition. See also Rule 520.16.

Rule 520.2. Bail Determination Before Verdict.

- (a) Bail before verdict shall be determined in all cases.
- (b) A defendant may be admitted to bail on any day and at any time.
- (c) Unless otherwise provided by rule, the initial determination of bail shall occur:
 - (1) At the preliminary arraignment when the bail authority does not temporarily detain the defendant pending a detention hearing pursuant to Rule 520.16; or
 - (2) At the preliminary hearing when a defendant does not receive a preliminary arraignment.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 520.

For the minor judiciary's authority to set bail, see the Judicial Code, 42 Pa.C.S. §§ 1123(a)(5), 1143(a)(1), and 1515(a)(4).

See Pa.R.J.C.P. 396, which provides that, at the conclusion of a transfer hearing, the juvenile court judge is to determine bail pursuant to these bail rules for a juvenile whose case is ordered transferred to criminal proceedings.

Rule 117(C) requires the president judge to ensure coverage is provided to satisfy the requirements of subdivision (b).

For the initial determination of bail otherwise provided by rule, see Rule 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside of Judicial District of Issuance).

For the release by the arresting officer of a defendant arrested without a warrant, see Pa.R.Crim.P. 519(B). A preliminary arraignment shall be afforded without unnecessary delay. See Pa.R.Crim.P. 519(A). It is best practice to hold the preliminary arraignment within 24 hours of arrest to minimize the period of detention before the initial determination of bail. See also *Commonwealth v. Yandamuri*, 159 A.3d 503, 529 (Pa. 2017) (recognizing abrogation of the bright-line rule of inadmissibility of statements made more than six hours after arrest in favor of a totality-of-the-circumstances approach, although "unnecessary delay between arrest and arraignment remains a factor to consider in the voluntariness analysis"); *County of Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991) (defendant may not be detained without a judicial determination of probable cause no less than 48 hours after arrest).

Rule 520.3. Bail Determination After Finding of Guilt.

- (a) *Before Sentencing.*
 - (1) *Capital and Life Imprisonment Cases.* When a defendant is found guilty of an offense, which is punishable by death or life imprisonment, the defendant shall be detained.
 - (2) *Other Cases.*
 - (i) The defendant shall have the same right to bail after verdict and before the imposition of sentence as the defendant had before verdict when the aggregate of possible sentences to imprisonment on all outstanding

verdicts against the defendant within the same judicial district cannot exceed three years.

- (ii) Except as provided in subdivision (a)(1), when the aggregate of possible sentences to imprisonment on all outstanding verdicts against the defendant within the same judicial district can exceed three years, the defendant shall have the same right to bail as before verdict unless the judge makes a finding that no condition of bail will reasonably assure the purpose of bail, as provided in Rule 520.1. The judge may revoke bail or detain the defendant based upon such a finding.

- (b) *After Sentencing.*

- (1) When the sentence imposed includes imprisonment of less than two years, the defendant shall have the same right to bail as before verdict, unless the judge, pursuant to subdivision (d), modifies the bail order.

- (2) Except as provided in subdivision (a)(1), when the sentence imposed includes imprisonment of two years or more, the defendant shall not have the same right to bail as before verdict, but bail may be allowed in the discretion of the judge.

- (3) When the defendant is released on bail after sentencing, the judge shall require as a condition of release that the defendant either file a post-sentence motion and perfect an appeal or, when no post-sentence motion is filed, perfect an appeal within the time permitted by law.

- (c) *Reasons for Revoking Bail or Detention.* Whenever bail is revoked or the defendant detained under this rule, the judge shall state on the record the reasons for this decision.

- (d) *Modification of Bail Order After Verdict or After Sentencing.*

- (1) When a defendant is eligible for release on bail after verdict or after sentencing pursuant to this rule, the conditions of the existing bail order may be modified by a judge of the court of common pleas, upon the judge's own motion or upon motion of counsel for either party with notice to opposing counsel, in open court on the record when all parties are present.

- (2) The decision whether to change the type of release on bail or what conditions of release to impose shall be based on the judge's evaluation of the information about the defendant as it relates to the release factors set forth in Rule 520.6. The judge shall also consider whether there is an increased likelihood of the defendant's fleeing the jurisdiction or whether the defendant is a danger to any other person or to the community.

- (3) The judge may change the type of release on bail and conditions, as appropriate.

- (e) *Municipal Court.* Bail after a finding of guilt in the Philadelphia Municipal Court shall be governed by the rules set forth in Chapter 10.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 521.

For post-sentence procedures generally, see Rules 704 and 720. For additional procedures in cases in which a sentence of death or life imprisonment has been imposed, see Rules 810 and 811. "Life imprisonment cases" include those cases where the defendant is subject to a potential sentence of life imprisonment due to prior convictions.

For purposes of this rule, "verdict" includes a plea of guilty or *nolo contendere* that is accepted by the judge.

Whenever the trial judge sets bail after sentencing pending appeal, subdivision (b)(3) requires that a condition of release be that the defendant perfect a timely appeal. However, the trial judge cannot, as part of that condition, require that the defendant perfect the appeal in less time than that allowed by law.

Unless bail is revoked, the bail bond is valid until full and final disposition of the case. *See* Rule 534. The Rule 534 Comment points out that the bail bond is valid through all avenues of direct appeal in the Pennsylvania courts, but not through any collateral attack.

Rule 520.4. Detention of Witnesses.

(a) *Timing and Application.* After a defendant has been arrested for any offense, upon application of the attorney for the Commonwealth or defense counsel, and subject to the provisions of this chapter, a court may determine bail for any material witness named in the application. The application shall be supported by an affidavit setting forth adequate cause for the court to conclude that the witness will fail to appear when required if not held in custody or released on bail. The application shall also identify the proceeding for which the witness's presence is required. If the court grants the application, then the court shall issue process to bring any named witnesses before it for the purpose of determining bail.

(b) *Detention.* If the material witness is unable to satisfy the conditions of release after having been given immediate and reasonable opportunity to do so, the court shall order the witness detained, provided that at any time thereafter and prior to the term of court for which the witness is being held, the court shall release the witness when the witness satisfies the conditions of release. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be preserved, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the witness's testimony can be preserved.

(c) *Further Application.* Upon application, a court may release a witness from detention with or without conditions or grant other appropriate relief.

(d) *Minors.* If process has been issued pursuant to subdivision (a) for a material witness who is under the age of 18 years, the procedures provided in Rule 151 shall apply.

(e) *Rescission and Release.* At the conclusion of the criminal proceeding for which process has been issued, any process for a witness to appear pursuant to subdivision (a) shall be rescinded. To eliminate unnecessary detention, the court must supervise the detention of any persons held as material witnesses. Any witness detained pursuant to subdivision (b) shall be released when the witness's presence is no longer necessary.

(f) *Status Conference.* The court shall conduct a status conference no less than every 10 days while the witness remains detained under this rule. The purpose of the status conference is to determine the necessity of continuing to detain the witness.

Comment:

This rule was adopted in 20 ___ and is derived, in part, from prior Rule 522.

This rule does not permit a witness to be detained prior to the arrest of the defendant, since an arrest might never take place and the witness could be held indefinitely.

See Pa.R.Crim.P. 500 and 501 (Preservation of testimony).

Pursuant to subdivision (c), a witness may be released conditioned upon the witness' written agreement to appear as required. *See* Pa.R.Crim.P. 520.8.

This rule does not affect the compensation and expenses of witnesses under the Judicial Code, 42 Pa.C.S. § 5903, or the provisions of the Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings. *See* 42 Pa.C.S. §§ 5963(c) and 5964(b) relating to bail.

In determining bail for a material witness pursuant to this rule, the court should consider all available conditions pursuant to Rules 520.8—520.11. When a material witness' presence is required, the court should impose the least restrictive means of assuring the witness' presence.

Rule 520.5. Counsel.

(a) *Bail Determination.* A defendant may be represented by counsel at the initial bail determination.

(b) *Review of Conditions.* If a defendant remains in detention 48 hours following an initial bail determination, the defendant shall be eligible for the appointment of counsel regardless of the defendant's financial resources for the review of conditions.

(c) *Detention.* When a defendant is detained for detention hearing pursuant to Rule 520.16, the defendant shall be eligible for the appointment of counsel regardless of the defendant's financial resources for the detention hearing.

(d) *Limited Representation.* Counsel may represent a defendant for the limited purpose of the initial bail determination, review of conditions, or a detention hearing.

Comment:

A defendant may be represented at the initial bail determination. If a judicial district elects to have a representative from the Public Defender's Office at the preliminary arraignment, the bail authority shall appoint the Public Defender, regardless of the defendant's financial resources, to represent the defendant for the purpose of a bail determination, except when the defendant requests to proceed *pro se*, the defendant has private counsel, or the Public Defender asserts a conflict of interest.

In the absence of private counsel, counsel will be appointed to represent the defendant for the review of conditions or detention hearing. The process for identifying defendants remaining in detention and requiring the appointment of counsel is a matter of local practice, subject to the time requirement for condition review pursuant to Rules 520.15. For the responsibility of pre-trial services for identifying such defendants, see Rule 520.18(f).

To permit prompt bail determinations, the appointment of counsel should not operate to delay review of conditions or a detention hearing.

For privately retained counsel, the extent of counsel's representation should be set forth in the entry of appearance. For appointed counsel, the extent of counsel's representation should set forth in the order of appointment or by local rule adopted pursuant to Rule 105 and Pa.R.J.A. 103(d).

Rule 520.6. Release Factors.

(a) *Factors.* In determining whether a defendant is bailable and what, if any, conditions to impose consistent

with Rule 520.1, the bail authority shall consider all available relevant information, including, but not limited to:

- (1) Personal Information:
 - (i) the family ties of the defendant;
 - (ii) the defendant's employment status and history; and
 - (iii) the length of residence in the community.
- (2) Current Charge:
 - (i) the nature and circumstances of the crime charged;
 - (ii) whether a firearm or other deadly weapon was involved;
 - (iii) the possibility and duration of statutorily mandated imprisonment;
 - (iv) whether the crime charged was committed against a victim with intent to hinder prosecution; and
 - (v) the victim's immediate risk of substantial physical harm.
- (3) Prior Criminal History:
 - (i) record of convictions, relevant criminal history, and final civil protection orders against the defendant;
 - (ii) custody status at time of offense;
 - (iii) history of compliance with court-ordered probation, parole, and prior bail conditions; and
 - (iv) record of appearances at court proceedings or of flight to avoid prosecution or willful failure to appear at court proceedings.
- (4) Pre-Trial Risk Assessment, if available.
- (5) Whether the prosecution has provided notice seeking pretrial detention pursuant to Rule 520.16.
 - (b) *Non-Cooperation*. A defendant's decision neither to admit culpability nor to assist in an investigation shall not be a reason to impose additional or more restrictive conditions of bail on the defendant.

Comment:

This rule was adopted in 20 ___ and is derived, in part, from prior Rule 523.

To the extent that a pre-trial risk assessment may reflect some of these factors, such as prior criminal history, the bail authority should not assign additional weight to those factors absent compelling reasons for doing so.

When deciding whether to release a defendant on bail and what conditions of release to impose, the bail authority must consider all the criteria provided in this rule, rather than considering, for example, only the designation of the offense or the fact that the defendant is a nonresident. Generally, the graver an offense involving danger to a person, including those allegedly committed with a firearm, the greater the potential risk to the community upon release. Further, the more severe a potential sentence, the greater the risk of non-appearance.

"Custody status" includes a defendant released on bail, probation, or parole. When a defendant who has been released on bail and awaiting trial is arrested on a second or subsequent charge, the bail authority may consider that factor in conjunction with other release criteria in determining bail for the new charge. For alleged technical violations of a condition of county probation or parole, see Rule 708.1.

"Civil protection orders" are orders issued pursuant to 23 Pa.C.S. § 6108 (Relief) and 42 Pa.C.S. § 62A07 (Relief).

The bail authority may weigh the evidence against the defendant insofar as probable cause exists to believe that the defendant committed the acts charged, but no farther regardless of the sufficiency of the evidence.

When the prosecution has provided notice seeking pretrial detention, a detention hearing may be scheduled. See Rule 520.16 for detention hearing.

Rule 520.7. Bail Determination.

Any bail conditions beyond release with general conditions shall be imposed only upon a finding that they are necessary to satisfy the purpose of bail as provided in Rule 520.1.

Comment:

The least restrictive bail determination is release subject to general conditions. Progressively stricter determinations include release on nominal bail with general conditions, release with non-monetary special conditions, and release with monetary conditions. The most restrictive determination is that the defendant is not eligible for bail and is detained.

In making a bail determination consistent with this rule, a bail authority should first determine if releasing the defendant subject to general conditions, *see* Pa.R.Crim.P. 520.8 (Determination: Release with General Conditions), satisfies the purpose of bail. If general conditions are insufficient, the bail authority should consider releasing the defendant subject to both general conditions and nominal bail. *See* Pa.R.Crim.P. 520.9 (Determination: Release on Nominal Bail with General Conditions). If this combination of conditions is insufficient to satisfy the purpose of bail, the bail authority should consider releasing the defendant subject to both general conditions and any non-monetary special conditions necessary to fulfill the purpose of bail. *See* Pa.R.Crim.P. 520.10 (Determination: Release with Non-Monetary Special Conditions). In imposing any non-monetary special conditions, the bail authority should only impose non-monetary special conditions that are individualized to the defendant. *See* Pa.R.Crim.P. 520.10(b). If releasing the defendant subject to general conditions and non-monetary special conditions will not satisfy the purpose of bail, the bail authority should then consider imposing a monetary condition. *See* Pa.R.Crim.P. 520.11 (Determination: Release with Monetary Conditions). Finally, if no available condition or combination of conditions other than detention will reasonably assure that a defendant's release is consistent with the purpose of bail, the defendant should be detained pursuant to Rule 520.16 (Detention).

Rule 520.8. Determination: Release with General Conditions.

(a) *General Conditions*. In every case in which a defendant is released on bail, the general conditions of the bail bond shall be that the defendant will:

- (1) appear at all times required until full and final disposition of the case;
- (2) obey all further orders of the bail authority;
- (3) give written notice to those identified on the bail bond of any change of address within 48 hours of the date of the change;
- (4) neither do, nor cause to be done, nor permit to be done on his or her behalf, any act proscribed by 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or

victims) or 18 Pa.C.S. § 4953 (relating to retaliation against witnesses or victims); and

(5) refrain from criminal activity.

(b) *Bond*. The bail authority shall set forth in the bail bond all conditions of release imposed pursuant to this rule.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 526.

All the conditions of the bail bond set forth in subdivision (a) must be imposed in every criminal case in which a defendant is released on bail. If a defendant fails to comply with any of the conditions of the bail bond in subdivision (a), the defendant's bail may be modified or revoked. For additional sanctions for failing to appear in a criminal case when required, see 18 Pa.C.S. § 5124.

Rule 520.9. Determination: Release on Nominal Bail with General Conditions.

A defendant may be released on a nominal bail and subject to general conditions upon the defendant's depositing \$1.00 with the bail authority and the agreement of a designated person, organization, or bail agency to act as surety for the defendant.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 524(C)(4).

Nominal bail may be used as an alternative when it is desirable to have a surety. It may be used when the bail authority believes the defendant poses a risk for non-appearance due to transience or a residence outside of Pennsylvania. The purpose of the surety is to facilitate interstate apprehension of any defendant who absconds by allowing the nominal surety the right to arrest the defendant without the necessity of extradition proceedings. *See, e.g., Frisbie v. Collins*, 342 U.S. 519 (1952). A bail agency may be the nominal bail surety, as well as private individuals or acceptable organizations. In all cases, the surety on nominal bail incurs no financial liability for the defendant's failure to appear for court.

Rule 520.10. Determination: Release with Non-Monetary Special Conditions.

(a) *Necessity*. When general conditions are insufficient, a defendant may be released subject to both general conditions and any non-monetary special conditions necessary to fulfill the purpose of bail as provided in Rule 520.1.

(b) *Special Conditions*. Non-monetary special conditions, individualized to the defendant, may include, but are not limited to, the following:

- (1) remaining in the custody of a designated person;
- (2) maintaining employment, or, if unemployed, actively seeking employment;
- (3) maintaining or commencing an educational program;
- (4) abiding by specified restrictions on personal associations, place of abode, or travel;
- (5) reporting on a regular basis to a designated law enforcement agency, or other agency, or pretrial services program;
- (6) complying with a specified curfew;
- (7) refraining from possessing a firearm, destructive device, or other dangerous weapon;

(8) refraining from the use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription;

(9) submission to a medical, psychological, psychiatric, or substance use disorder assessment and comply with all treatment recommendations;

(10) compliance with any existing treatment plan or service plan;

(11) a protective order pursuant to 18 Pa.C.S. § 4954 when a potential risk of witness or victim intimidation is present;

(12) no contact by the defendant with the victim or any witness;

(13) refraining from entering the residence or household of the victim and the victim's place of employment when there is a potential risk of danger to the victim in a domestic violence case pursuant to 18 Pa.C.S. § 2711(c)(2);

(14) returning to custody of the person designated in subdivision (b)(1) for specified hours following release for employment, schooling, or other limited purposes;

(15) being placed in a pretrial home supervision capacity with or without the use of an approved electronic monitoring device; or

(16) satisfying any other condition that is necessary to reasonably assure the purpose of bail, as provided in Rule 520.1.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 527.

The bail authority may determine that, in addition to general conditions, it is necessary to impose non-monetary special conditions on release to reasonably assure the safety of the community and the defendant's appearance. The special conditions should be tailored to the specific risks posed by the defendant's release. The bail authority should clearly state on the bail bond all special conditions of release in specific detail. The availability of pretrial services among judicial districts may vary some conditions.

The bail authority should consider any reasonable suggestions for non-monetary special conditions of release on bail in an effort to establish the most suitable and least restrictive conditions necessary for a particular defendant. It would be appropriate in some circumstances for the defendant and counsel to offer suggestions about types of conditions that would help the defendant appear and comply with the conditions of the bail bond.

The following are a few examples of conditions that might be imposed to address specific situations. In some circumstances, a combination of such conditions might also be considered. This is not intended to be an exhaustive list of appropriate conditions.

When the defendant poses a risk of non-appearance, the bail authority could require that the defendant report by phone or in person at specified times to pretrial services, or that the defendant be supervised by pretrial services. Pretrial services may maintain close contact with the defendant, assist the defendant in making arrangements to appear in court, and, if appropriate, accompany the defendant to court. It might also be helpful to require that the defendant maintain employment or continue an educational program.

When the defendant is known to have an alcohol or a drug problem, the bail authority could require the defendant to submit to drug or alcohol screening, avail to cessation or rehabilitative services as recommended by the screening, and refrain from the use of alcoholic beverages or illegal drugs.

When the defendant has a recent or substantial history of failing to comply with less restrictive conditions of the bail bond, the bail authority might limit travel, restrict the defendant to his or her residence or supervised housing, or place the defendant on electronic monitoring.

There may be cases when the relationship between the defendant and another person is such that the bail authority might require that the defendant refrain from contact with that other person.

When a case proceeds by summons, the issuing authority must require that the defendant submit to required administrative processing and identification procedures, such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, which ordinarily occur following an arrest. Rule 510(C)(2) requires an order directing the defendant to be fingerprinted be issued with the summons. If the defendant has not completed fingerprinting by the date of the preliminary hearing, completion of these processing procedures must be made a condition of release.

Rule 520.11. Determination: Release with Monetary Conditions.

(a) *Necessity.* When general conditions and non-monetary special conditions or combination of conditions are insufficient, a bail authority may, in addition to general conditions and non-monetary special conditions or combination of conditions, impose a monetary condition on a defendant's release to satisfy the purpose of bail, as provided in Rule 520.1.

(b) *Securitization.* A monetary condition may be secured or unsecured.

(c) *Deposit.* The bail authority may require a monetary condition to be secured by either the entire amount or a deposit of a sum of money not to exceed 10% of the full amount of the monetary condition if the bail authority determines that such a deposit is sufficient to ensure the defendant's compliance with non-monetary conditions.

(d) *Amount.* The amount of security required for the monetary condition, whether the entire amount or a percentage, shall be reasonably attainable by the defendant.

(1) A financial disclosure form, verified by the defendant, setting forth a defendant's income, expenses, assets, and debts shall be completed whenever the imposition of a monetary condition is deemed necessary.

(2) The bail authority shall consider the information contained on the form when determining the amount of a monetary condition and the defendant's ability to satisfy that condition.

(e) *Source.* The bail authority may inquire as to the defendant's source of security for a monetary condition.

(f) *Risk.* The amount of a monetary condition shall be reasonably correlated with the defendant's risk.

(g) *Bail Schedule.* The use of a bail schedule is not permitted to determine the amount of a monetary bail condition. The determination shall be based upon the defendant's ability to pay.

(h) *Not in Lieu of Detention.* A secured monetary condition shall never be imposed for the purpose of detaining a defendant until trial.

(i) *Written Reason.* The bail authority shall indicate in writing the specific risk that the monetary bail condition is intended to mitigate.

Comment:

This rule was adopted in 20 ___ and is derived, in part, from prior Rule 528.

The use of a monetary bail condition is permitted only when non-monetary conditions cannot reasonably assure a defendant's release consistent with the purpose of bail. A monetary condition may be used in conjunction with non-monetary special conditions. A monetary condition is intended to incentivize a defendant's willingness to comply with non-monetary conditions by subjecting the amount of the monetary condition to forfeiture. The strength of the incentive, as represented by the amount of a monetary condition, should bear a reasonable relationship with the defendant's risk, which is based, in part, on the severity of the charge. Whether a monetary condition is secured or unsecured is relevant to forfeiture, not incentive.

Release on an unsecured monetary condition requires the defendant's written agreement to be liable for a fixed sum of money if the defendant fails to comply with the non-monetary special conditions, as well as general conditions. No money or other form of security is required to be deposited for an unsecured monetary condition. Release may be revoked for a defendant who fails to satisfy a liability arising from non-compliance.

"Reasonably attainable" in subdivision (d) should include not only consideration of the amount of the security, but also include the timeliness in which the security can be attained by the defendant.

A monetary condition shall not be imposed on a defendant unable to satisfy the condition at any amount. See Pa. Const. art. 1, § 13 (excessive bail shall not be required). Under that circumstance, the defendant may be released with sufficient non-monetary special conditions or scheduled for a detention hearing.

When a defendant is charged with a violation of The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §§ 780-101 *et seq.*, the bail authority shall inquire as to the source of currency, bonds, realty, or other property used to secure the monetary condition. See 42 Pa.C.S. § 5761. Further, for any charge, when the surety is a third party, the security may only be forfeited for a failure of the defendant to appear at a scheduled court proceeding. See Rule 536(A)(2)(a). Third party sureties are not liable for a defendant's new criminal act or other violations of conditions.

For permitted forms of security and related procedures, see Rule 520.14.

Rule 520.12. Statement of Reasons.

Other than release with general conditions or a release on nominal bail, the bail authority shall provide a recorded or written contemporaneous statement of reasons for any bail determination.

Comment:

The bail authority should identify the specific factors and supporting information relied upon for the determination. This statement is intended to assist in expediting review, if required, and modification of the determination, if warranted. See Pa.R.Crim.P. 520.15 (Condition Review).

Rule 520.13. Bail Bond.

(a) *Written Agreement.* A bail bond is a document whereby the defendant agrees to comply with all the imposed conditions of the bail while at liberty after being released on bail.

(b) *Timing.* At the time the bail is set, the bail authority shall

- (1) have the bail bond prepared; and
- (2) sign the bail bond verifying the imposed conditions.

(c) *Conditions.* The bail bond shall set forth the determination of bail, including the general conditions set forth in Rule 520.8, any other conditions ordered by the bail authority, the consequences of failing to comply with all the conditions of the bail bond, and to whom the defendant shall provide written notice of any change of address as required by Rule 520.8(a)(3).

(d) *Defendant's Signature.* The defendant shall not be released until he or she signs the bail bond.

(e) *Other Signatures.* To be released, the defendant shall sign the bail bond. Sureties shall also sign the bond when a monetary condition has been imposed. The official who releases the defendant also shall sign the bail bond witnessing the defendant's signature.

(f) *Incarceration.* If the defendant is unwilling to agree to comply with all the imposed conditions of the bail at the time bail is set, then the bail authority shall incarcerate the defendant. The unexecuted bail bond and the other necessary paperwork shall accompany the defendant to the place of incarceration.

(g) *Recording.* After the defendant signs the bail bond, a copy of the bail bond shall be given to the defendant, and the original shall be included in the record.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 525.

Subdivision (g) requires the court official who accepts a deposit of bail and has the defendant sign the bail bond to include the original of the bail bond in the record of the case. *See* Rule 535(A) for the other contents of the record in the context of the bail deposit.

For some of the consequences when a defendant fails to appear or fails to comply as required, see the Crimes Code, 18 Pa.C.S. § 5124. *See also* Pa.R.Crim.P. 536.

Rule 520.14. Secured Monetary Conditions—Security; Recording; Liability.

(a) *Security.* One or a combination of the following forms of security shall be accepted to satisfy a monetary condition:

(1) Cash or when permitted by the local court a cash equivalent.

(2) Bearer bonds of the United States Government, of the Commonwealth of Pennsylvania, or of any political subdivision of the Commonwealth, in the full amount of the monetary condition, provided that the defendant or the surety files with the bearer bond a sworn schedule that shall verify the value and marketability of such bonds, and that shall be approved by the bail authority.

(3) Realty located anywhere within the Commonwealth, including realty of the defendant, as long as the actual net value is at least equal to the full amount of the monetary condition. The actual net value of the property may be established by considering, for example, the cost,

encumbrances, and assessed value, or another valuation formula provided by statute, ordinance, or local rule of court. Realty held in joint tenancy or tenancy by the entirety may be accepted provided all joint tenants or tenants by the entirety execute the bond.

(4) Realty located anywhere outside of the Commonwealth but within the United States, provided that the person(s) posting such realty shall comply with all reasonable conditions designed to perfect the lien of the county in which the prosecution is pending.

(5) The surety bond of a professional bondsman licensed under the Judicial Code, 42 Pa.C.S. §§ 5741—5749, or of a surety company authorized to do business in the Commonwealth of Pennsylvania.

(b) *Recording.* The bail authority shall record on the bail bond the amount of the monetary condition imposed and the form of security that is posted by the defendant or by an individual acting on behalf of the defendant or acting as a surety for the defendant.

(c) *Liability of Depositor.* Except as limited in Rule 531, the defendant or another person may deposit the cash percentage of the bail. If the defendant posts the money, the defendant shall sign the bond, thereby becoming his or her own surety, and is liable for the full amount of bail if he or she fails to appear or to comply. When a person other than the defendant deposits the cash percentage of the bail, the clerk of courts or issuing authority shall explain and provide written notice to that person that:

(1) if the person agrees to act as a surety and signs the bail bond with the defendant, the person shall be liable for the full amount of bail if the defendant fails to appear; or

(2) if the person does not wish to be liable for the full amount of bail, the person shall be permitted to deposit the money for the defendant to post and will relinquish the right to make a subsequent claim for the return of the money pursuant to these rules. In this case, the defendant would be deemed the depositor, and only the defendant would sign the bond and be liable for the full amount of bail.

(3) Pursuant to Rule 535(E), if the bail was deposited by or on behalf of the defendant and the defendant is the named depositor, the amount otherwise returnable to the defendant may be used to pay and satisfy any outstanding restitution, fees, fines, and costs owed by the defendant as a result of a sentence imposed in the court case for which the deposit is being made.

Comment:

This rule was adopted in 20 __ and is derived, in part, from prior Rule 528(D)—(F).

When the bail authority authorizes the deposit of a percentage of the cash bail, the defendant may satisfy the monetary condition by depositing, or having an individual acting as a surety on behalf of the defendant deposit, the full amount of the monetary condition. Additionally, there may be cases when a defendant does not have the cash to satisfy a monetary condition, but has some other form of security, such as realty. In such a case, the defendant must be permitted to execute a bail bond for the full amount of the monetary condition and deposit one of the forms or a combination of the forms set forth in paragraph (A) as security.

If a percentage of the cash bail is accepted pursuant to these rules, when the funds are returned at the conclusion of the defendant's bail period, the court or bail

agency may retain as a fee an amount reasonably related to the cost of administering the cash bail program. See *Schilb v. Kuebel*, 404 U.S. 357 (1971).

Pursuant to subdivision (c), written notice is required be given to the person posting the bail, especially a third party, of the possible consequences if the defendant receives a sentence that includes restitution, a fine, fees, and costs. See also Rule 535 for the procedures for retaining bail money for satisfaction of outstanding restitution, fines, fees, and costs.

The defendant must be permitted to substitute the form(s) of security deposited as provided in Rule 532.

The method of valuation when realty is offered to satisfy the monetary condition pursuant to subdivisions (a)(3) and (a)(4) is determined at the local level. If no satisfactory basis exists for valuing particular tracts of offered realty, especially tracts located in remote areas, acceptance of that realty is not required by this rule.

Rule 520.15. Condition Review.

If a defendant remains incarcerated after 48 hours following the initial bail determination because the defendant has not satisfied a bail condition, then a review of conditions shall be conducted by a judge of the court of common pleas or by a judge of the Philadelphia Municipal Court no longer than five days after the initial bail determination, subject to:

(a) The defendant shall be appointed counsel for the condition review.

(b) The judge shall reconsider whether the initially imposed condition is the least restrictive bail condition reasonably calculated to meet the purpose of bail, as provided in Rule 520.1.

(c) The defendant, defendant's counsel, and the Commonwealth may appear via audio-visual communication technology.

(d) The parties may present additional information to the judge for reconsideration of the initial determination.

(e) Upon review, a judge may modify the bail order establishing the initial bail determination.

Comment:

This rule is applicable to defendants who are able to be released subject to conditions. Condition review proceedings are intended to afford defendants detained due to an unsatisfied bail condition an expedited review of the initial bail determination. Nothing in this rule is intended to prevent a judicial district from conducting a review prior to the five-day threshold. Jail staff or pretrial services should identify defendants remaining in detention after the initial determination. While time is of the essence, the failure to conduct a review within the time specified in subdivision (a) shall not operate to release the defendant.

At a review of conditions, any information from any source that will aid the judge in conducting the review, including testimony from witnesses, may be presented.

Rule 520.12 requires the bail authority to provide "a recorded or written contemporaneous statement of reasons for any bail determination." This requirement also applies to a judge's determination pursuant to this rule, whether or not bail is modified.

See Rule 520.5 for right to counsel. The Commonwealth may, but is not required to, appear.

An unsatisfied bail condition does not mean that the condition is not reasonably calculated to meet the purpose of bail. This review is to consider whether a less restrictive condition may be available that will meet the purpose of bail.

Further modification of a bail order modified subject to this rule or modification of a bail order not subject to this rule shall proceed in accordance with Rule 520.17.

Rule 520.16. Detention.

(a) *Permitted Bases for Detention.* All defendants shall be released subject to conditions except when proof is evident and presumption is great of:

(1) *Offense.* Capital offenses or for offenses for which the maximum sentence is life imprisonment; or

(2) *No Condition.* No available condition or combination of conditions other than detention will reasonably assure that a defendant's release is consistent with the purpose of bail, as provided in Rule 520.1.

(b) *Offense Basis.*

(1) *Temporary Detention.* A defendant charged with a qualifying offense pursuant to subdivision (a)(1) shall be ordered temporarily detained at the defendant's first appearance until a detention hearing can be held before a judge of the court of common pleas or a judge of the Philadelphia Municipal Court.

(2) *Detention Hearing.* A detention hearing before a judge of the court of common pleas or a judge of the Philadelphia Municipal Court shall be scheduled to occur within 72 hours of the defendant's first appearance.

(c) *No Condition Basis.* At a defendant's first appearance, a bail authority may, *sua sponte*, and shall, when requested by the Commonwealth, inquire and determine whether no available condition or combination of conditions exist other than detention pursuant to subdivision (a)(2).

(1) *Bail Authority Notice.* A bail authority, possessing a reasonable belief that no available condition or combination of conditions may exist other than detention, shall give notice of such to the defendant and the prosecution at the time of the defendant's first appearance. Notice shall include the initial reason(s) for seeking detention.

(2) *Commonwealth Notice and Request.* The Commonwealth may give notice, either orally or in writing, no later than the time of the defendant's first appearance that it requests the bail authority inquire and determine that no available condition or combination of conditions may exist other than detention and shall set forth the basis for the request. Notice shall include the initial reason(s) for seeking detention.

(3) *Temporary Detention.* Upon such notice, the bail authority shall permit the defendant or defendant's counsel and the Commonwealth to address the court on the issue. If, after argument, upon a sufficient showing that no condition or combination of conditions will assure the purposes of bail, a bail authority shall order the temporary detention of the defendant until a detention hearing can be held.

(4) *Scheduling.* A detention hearing before a judge of the court of common pleas or a judge of the Philadelphia Municipal Court shall be scheduled to occur within 48 hours of the defendant's first appearance. The parties may seek a single three-day continuance of the hearing for cause or by agreement.

(5) *Defendant's Statements.* Any statement made by the defendant after notice is given by a bail authority or the Commonwealth for the purpose of securing release during the first appearance shall not be admissible against the defendant in any criminal proceeding or at trial except for the purpose of impeachment, nor shall any evidence derived from that statement be admissible.

(d) *Counsel.* The defendant shall be appointed counsel for the detention hearing.

(e) *No Default.* The failure to conduct a detention hearing in the time prescribed by this rule shall not result in the defendant's release.

(f) *Written Reason.* The bail authority shall indicate in writing the reason(s) for detaining a defendant following the hearing.

(g) *Subsequent Review.*

(1) *Offense Basis.* A defendant ordered detained on the basis of a charged offense following a detention hearing may seek review of that order pursuant to Pa.R.A.P. 1762.

(2) *No Condition Basis.* A defendant ordered detained on the basis of no available condition following a detention hearing may seek modification of the order pursuant to Rule 520.17(c) by motion to a judge of the court of common pleas.

Comment:

For permitted bases of detention, see Pa. Const. art. 1, § 14. Detention may also subsequently be sought through a modification of the bail order pursuant to Rule 520.17.

The temporary detention permitted by subdivisions (b) or (c) is to allow the scheduling of a detention hearing, appointment of counsel for the defendant, and the consultation and preparation of the defendant and defendant's counsel. Nothing in this rule is intended to delay the issuing authority from addressing other matters scheduled to occur at a defendant's first appearance. See generally *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991) (requiring probable cause determination for detention within 48 hours of arrest); Pa.R.Crim.P. 540(E) (requiring determination of probable cause when defendant is arrested without a warrant; otherwise, defendant shall not be detained).

Murder of the first or second degree, 18 Pa.C.S. § 2502(a)-(b), murder of an unborn child of the first or second degree, 18 Pa.C.S. § 2604(a)-(b), and murder of a law enforcement officer of the first or second degree, 18 Pa.C.S. § 2507(a)-(b), are offenses subject to subdivision (a)(1). See 18 Pa.C.S. §§ 1102(a)-(b) & 1102.1(a), (c). Given the gravity of the underlying charges and potential for life imprisonment, the defendant's initial bail determination is to be made by a judge of the court of common pleas. See also 42 Pa.C.S. § 1515(a)(4) (requiring bail determination for certain offenses, including murder, to be performed by a judge of the court of common pleas).

Regarding subdivision (c), "when the Commonwealth seeks to deny bail due to the alleged safety risk the accused poses to 'any person and the community,' those qualitative standards demand that the Commonwealth demonstrates that it is substantially more likely than not that (1) the accused will harm someone if he is released and (2) there is no condition of bail within the court's power that reasonably can prevent the defendant from inflicting that harm." *Commonwealth v. Talley*, 265 A.3d 485, 525 (Pa. 2021). More generally, "[w]hen the Commonwealth seeks to deny bail, the quality of the evidence

must be such that it persuades the bail court that it is substantially more likely than not that the accused is nonbailable[.]” *Id.* 524-25.

Rule 520.17. Modification of Bail Order Prior to Verdict.

(a) *Permitted Modification.* A bail order may be modified at any time before the preliminary hearing by:

(1) The issuing authority who is the magisterial district judge who was elected or assigned to preside over the jurisdiction where the crime occurred, upon request of the defendant or the attorney for the Commonwealth, or by the issuing authority *sua sponte*, and after notice to the defendant and the attorney for the Commonwealth and an opportunity to be heard; or

(2) A bail authority sitting by designation and pursuant to Rule 520.15.

(b) *Issuing Authority.* A bail order may be modified by an issuing authority at the preliminary hearing.

(c) *Judge.* The existing bail order may be modified by a judge of the court of common pleas:

(1) at any time prior to verdict upon motion of counsel for either party with notice to opposing counsel and after a hearing on the motion; or

(2) at trial or at a pretrial hearing in open court on the record when all parties are present.

(d) *Further Modification.* Once bail has been set or modified by a judge of the court of common pleas, it shall not be modified except:

(1) by a judge of a court of superior jurisdiction, or

(2) by the same judge or by another judge of the court of common pleas either at trial or after notice to the parties and a hearing.

(e) *Explanation.* When bail is modified pursuant to this rule, the modification shall be explained to the defendant and stated in writing or on the record by the issuing authority or the judge.

Comment:

This rule is derived, in part, from prior Rule 529.

In making a decision whether to modify a bail order, the issuing authority or judge should evaluate the information about the defendant as it relates to the bail factors and conditions.

In Municipal Court cases, the Municipal Court judge may modify bail in the same manner as a common pleas judge may under this rule. See Pa.R.Crim.P. 1011.

Once bail has been modified by a common pleas judge, only the common pleas judge subsequently may modify bail, even in cases that are pending before a magisterial district judge. See Pa.R.Crim.P. 543 and 536.

Pursuant to this rule, the motion, notice, and hearing requirements in subdivisions (c) and (d) must be followed in all cases before a common pleas judge may modify a bail order unless the modification is made on the record in open court when all parties are present either at a pretrial hearing, such as a suppression hearing, or during trial.

See Pa.R.A.P. 1610 for the procedures to obtain appellate court review of an order of a judge of the court of common pleas granting or denying release or modifying the conditions of release.

Rule 520.18. Responsibilities of Pretrial Services.

A president judge may establish pretrial services, and subject to the supervision of the president judge or designee, such services shall include one or more of the following:

(a) Advising the president judge on the feasibility of adopting and maintaining a validated risk assessment tool and recommendation matrix.

(b) Preparing and disseminating pretrial risk assessments, if adopted.

(c) Reminding every defendant on release at least once of an upcoming court appearance within 48 hours of the scheduled appearance.

(d) Establishing capacity for telephonic and in-person reporting of defendants on release when reporting is a condition of release.

(e) Identifying and referring defendants with mental health and alcohol/substance abuse issues posing an immediate risk to the defendant for appropriate services.

(f) Identifying, monitoring, and reporting any defendants remaining in detention 48 hours after the initial bail determination.

Comment:

The provision of pretrial services is a best practice, but not a requirement. While limitations may be placed on the range of available pretrial services due to resource constraints, this rule imposes minimum responsibilities for the provision of those services.

In subdivision (c), reminders may include telephone calls, email, or text messaging. Depending on the method of communication, additional contact information may need to be collected at the time of the initial bail determination.

Providers of pretrial services should be encouraged to affiliate with a professional organization such as the Pennsylvania Pretrial Services Association to exchange information, participate in educational programs, and share best practices.

Rule 520.19. Pretrial Risk Assessment Tool Parameters.

A president judge may authorize the adoption and use of a pretrial risk assessment tool by local rule, subject to these parameters:

(a) When a pretrial risk assessment tool is used, the pretrial risk assessment shall be conducted prior to the preliminary arraignment or, when a preliminary arraignment is not held, the preliminary hearing.

(b) At a minimum, the pretrial risk assessment tool shall determine a risk of failure to appear and new criminal activity to a reasonable degree of statistical certainty.

(c) The pretrial risk assessment tool shall be statistically validated prior to adoption and at an established interval thereafter. Validation reports, as well as the data upon which the report is based, including, but not limited to, sufficient data to permit evaluation of the tool across racial and gender groups, shall be made public.

(d) A report of aggregate outcomes of pretrial risk shall be made public at least annually following adoption of a pretrial risk assessment tool.

(e) The person, department, or agency responsible for completing the assessment shall be designated by local order or rule.

(f) The bail authority, defendant, defendant's counsel if known, and the Commonwealth shall receive the pretrial risk assessment report and bail recommendation. Reports for individual defendants shall not be publically accessible.

(g) A bail recommendation based upon a pretrial risk assessment tool shall be clearly marked as advisory of release and bail conditions.

(h) A bail recommendation based upon a pretrial risk assessment tool shall not be the sole determinate for making a bail determination.

Comment:

For local procedural rulemaking, see Rule 105 and Pa.R.J.A. 103(d).

This rule is not intended to prohibit the use of risk assessment tools after a defendant's preliminary arraignment or preliminary hearing. Nor is this rule intended to prohibit the defendant or the Commonwealth from asking for a reassessment on a motion to modify bail.

Pursuant to subdivision (b), a judicial district is not restricted in the use of a pretrial risk assessment for only determining a risk of failure to appear and new criminal activity. A judicial district may also use a pretrial risk assessment tool to determine the risk of domestic violence and new violent criminal activity, provided the tool satisfies the other parameters set forth in this rule.

Prior to implementation of a pretrial risk assessment tool, the judicial district should establish a baseline for the rate of pretrial failure in the category of non-appearance and new criminal activity. This baseline then can be compared to the incidence of pretrial failure after implementation. The requirement of subdivision (d) is intended to report annually the rate of pretrial failure. Such reports can be helpful in determining whether the use of a pretrial risk assessment tool has affected the historical rate of pretrial failure.

Reports generated by pretrial risk assessment tools may contain confidential information about a defendant that is necessary for the bail authority to make an informed bail determination. Pursuant to subdivision (f), those reports are available to the parties, but not publically accessible. However, the recommended bail determination and any conditions based upon the report are publically accessible, provided the recommendation is separate from the report.

As set forth in subdivision (g), a bail recommendation based upon a pretrial risk assessment tool is advisory. Per subdivision (h), the recommendation is intended to inform the bail authority, not dictate an outcome.

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES**PART A. Sentencing Procedures**

(Editor's Note: The following rule is rescinded, amended and renumbered as Rule 708.2.)

Rule 708. [Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition] [Rescinded and Renumbered].

[(A) A written request for revocation shall be filed with the clerk of courts.]

(B) Whenever a defendant has been sentenced to probation or intermediate punishment, or placed on parole, the judge shall not revoke such probation, intermediate punishment, or parole as allowed by law unless there has been:

(1) a hearing held as speedily as possible at which the defendant is present and represented by counsel; and

(2) a finding of record that the defendant violated a condition of probation, intermediate punishment, or parole.

(C) Before the imposition of sentence,

(1) the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.

(2) When such pleas are accepted, the court shall sentence the defendant for all the offenses.

(D) Sentencing Procedures

(1) At the time of sentencing, the judge shall afford the defendant the opportunity to make a statement in his or her behalf and shall afford counsel for both parties the opportunity to present information and argument relative to sentencing.

(2) The judge shall state on the record the reasons for the sentence imposed.

(3) The judge shall advise the defendant on the record:

(a) of the right to file a motion to modify sentence and to appeal, of the time within which the defendant must exercise those rights, and of the right to assistance of counsel in the preparation of the motion and appeal; and

(b) of the rights, if the defendant is indigent, to proceed in forma pauperis and to proceed with assigned counsel as provided in Rule 122.

(4) The judge shall require that a record of the sentencing proceeding be made and preserved so that it can be transcribed as needed. The record shall include:

(a) the record of any stipulation made at a pre-sentence conference; and

(b) a verbatim account of the entire sentencing proceeding.

(E) Motion to Modify Sentence

A motion to modify a sentence imposed after a revocation shall be filed within 10 days of the date of imposition. The filing of a motion to modify sentence will not toll the 30-day appeal period.

Comment

This rule addresses *Gagnon II* revocation hearings only, and not the procedures for determining probable cause (*Gagnon I*). See *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

Paragraph (A) requires that the *Gagnon II* proceeding be initiated by a written request for revocation filed with the clerk of courts.

The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in this rule. However, the judge need not wait for disposition of

new criminal charges to hold such hearing. See *Commonwealth v. Kates*, 452 Pa. 102, 305 A.2d 701 (1973).

This rule does not govern parole cases under the jurisdiction of the Pennsylvania Board of Probation and Parole, but applies only to the defendants who can be paroled by a judge. See 61 P.S. § 314. See also *Georgevich v. Court of Common Pleas of Allegheny County*, 510 Pa. 285, 507 A.2d 812 (1986).

This rule was amended in 1996 to include sentences of intermediate punishment. See 42 Pa.C.S. §§ 9763 and 9773. Rules 704, 720, and 721 do not apply to revocation cases.

The objective of the procedures enumerated in paragraph (C) is to enable the court to sentence the defendant on all outstanding charges within the jurisdiction of the sentencing court at one time. See Rule 701.

When a defendant is permitted to plead guilty to multiple offenses as provided in paragraph (C), if any of the other offenses involves a victim, the sentencing proceeding must be delayed to afford the Commonwealth adequate time to contact the victim(s), and to give the victim(s) an opportunity to offer prior comment on the sentencing or to submit a written and oral victim impact statement. See the Crime Victims Act, 18 P.S. § 11.201(5).

Issues properly preserved at the sentencing proceeding need not, but may, be raised again in a motion to modify sentence in order to preserve them for appeal. In deciding whether to move to modify sentence, counsel must carefully consider whether the record created at the sentencing proceeding is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, 444 Pa. Super. 295, 663 A.2d 790, 791-2, n.1 (1995). As a general rule, the motion to modify sentence under paragraph (E) gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, 520 Pa. 385, 554 A.2d 50 (1989) (sentencing court can, *sua sponte*, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, 437 Pa. 288, 263 A.2d 339 (1970) (inherent power of the court to correct obvious and patent mistakes).

Under this rule, the mere filing of a motion to modify sentence does not affect the running of the 30-day period for filing a timely notice of appeal. Any appeal must be filed within the 30-day appeal period unless the sentencing judge within 30 days of the imposition of sentence expressly grants reconsideration or vacates the sentence. See *Commonwealth v. Coleman*, 721 A.2d 798, 799, fn.2 (Pa. Super. 1998). See also Pa.R.A.P. 1701(b)(3).

Once a sentence has been modified or re-imposed pursuant to a motion to modify sentence under paragraph (E), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify sentence in order to preserve an issue for appeal, as long as the issue was properly preserved at the time sentence was modified or re-imposed.

Official Note

Former Rule 1409 adopted July 23, 1973, effective 90 days hence; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment revised November 1, 1991, effective January 1, 1992; amended September 26, 1996, effective January 1, 1997; Comment revised August 22, 1997, effective January 1, 1998; renumbered Rule 708 and amended March 1, 2000, effective April 1, 2001; amended February 26, 2002, effective July 1, 2002; amended March 15, 2013, effective May 1, 2013.

Committee Explanatory Reports:

Report explaining the January 1, 1992 amendments published at 21 Pa.B. 2246 (May 11, 1990); Supplemental Report published with the Court's Order at 21 Pa.B. 5329 (November 16, 1991).

Final Report explaining the September 26, 1996 amendments published with the Court's Order at 26 Pa.B. 4900 (October 12, 1996).

Final Report explaining the August 22, 1997 Comment revision that cross-references Rule 721 published with the Court's Order at 27 Pa.B. 4553 (September 6, 1997).

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Final Report explaining the February 26, 2002 amendments concerning the 30-day appeal period published with the Court's Order at 32 Pa.B. 1394 (March 16, 2002).

Final Report explaining the March 15, 2013 amendments to paragraph (C) concerning multiple guilty pleas and the Comment concerning the Crime Victims Act published at 43 Pa.B. 1705 (March 30, 2013).]

The following text is entirely new.

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

Rule 708.1. Violation of Probation or Parole: Notice, Detainer, *Gagnon I* Hearing, Disposition, and Swift Sanction Program.

(a) *Technical Violation.* Upon belief that the defendant has violated a technical condition of probation or parole, the authority supervising the defendant may:

(1) serve a written notice upon the defendant containing a time and location for the defendant's appearance before the supervising judge for a revocation hearing under Rule 708.2;

(2) arrest the defendant in those judicial districts that have established a program pursuant to 42 Pa.C.S. § 9771.1; or

(3) lodge a detainer subject to subdivision (c).

(b) *New Criminal Charge.* Following institution of a new criminal charge against the defendant, the authority supervising the defendant may:

(1) serve written notice for a hearing pursuant to subdivision (a)(1); or

(2) lodge a detainer subject to subdivision (c) if:

(i) the defendant requests; or

(ii) the defendant is not detained on the new criminal charge pursuant to Rule 520.16; and

(iii) the supervising authority believes the defendant has committed a technical violation beyond the fact of the new criminal charge.

(c) *Detainer.* Unless a defendant requests, a detainer shall not be lodged unless the supervising authority believes the alleged conduct resulting in the technical violation creates an ongoing risk to the public's safety, including the victim, or of non-appearance at the revocation hearing. In all other cases, the supervising authority shall serve written notice for a hearing pursuant to subdivision (a)(1).

(d) *Gagnon I Hearing.* Unless a defendant has requested a detainer pursuant to subdivision (b)(2)(i), a defendant subject to a detainer for a technical violation pursuant to subdivision (a)(3) or (b)(2) shall be brought before the sentencing judge or other designated judge or authority no later than five days after being detained in the county issuing the detainer for a hearing to determine whether probable cause exists to believe that a violation of a specific condition has been committed and if the defendant can be released on any available condition. If hearing is not held within this time period, the detainer shall expire by operation of law.

(e) *Disposition.* Upon a judicial finding of the existence of such probable cause under subdivision (d), the authority supervising the defendant may file a request to revoke probation or parole pursuant to Rule 708.2(A).

(f) *Swift Sanction Program.* A defendant arrested pursuant to subdivision (a)(2) may proceed in accordance with 42 Pa.C.S. § 9771.1 and local rule.

Comment:

This rule addresses the lodging and review of detainers, and the "*Gagnon I*" procedures for determining probable cause, see *Gagnon v. Scarpelli*, 411 U.S. 778 (1973) and *Morrissey v. Brewer*, 408 U.S. 471 (1972).

Nothing in this rule is intended to prohibit a defendant from withdrawing a request for a detainer to be issued.

Factors when evaluating risk pursuant to subdivision (c) include, but are not limited to, the seriousness of the alleged violation, such as a new criminal charge involving the use of a weapon or physical assault, and the defendant's compliance history while under supervision, including reporting.

At the hearing pursuant to subdivision (d), if probable cause exists, the issue is not whether the defendant should be released on the new charge—that is determined by the bail authority. Rather, the question is whether the defendant should continue to be detained, consistent with subdivision (c), until such time as a revocation hearing can be conducted.

(Editor's Note: Rule 708 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")

Rule 708.2. Violation of Probation[, **Intermediate Punishment,**] or Parole: ***Gagnon II*** Hearing and Disposition.

[(A)] (a) ***Revocation Request.*** A written request for revocation shall be filed with the clerk of courts.

[(B)] (b) ***Record Hearing.*** Whenever a defendant has been sentenced to probation or placed on parole, the judge shall not revoke such probation or parole as allowed by law unless there has been:

(1) a hearing held as speedily as possible at which the defendant is present and represented by counsel; and

(2) a finding of record that the defendant violated a condition of probation or parole.

[(C)] (c) *Plea*. Before the imposition of sentence,

(1) the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.

(2) When such pleas are accepted, the court shall sentence the defendant for all the offenses.

[(D)] (d) *Sentencing Procedures*.

(1) At the time of sentencing, the judge shall afford the defendant the opportunity to make a statement [in] on his or her behalf and shall afford counsel for both parties the opportunity to present information and argument relative to sentencing.

(2) The judge shall state on the record the reasons for the sentence imposed.

(3) The judge shall advise the defendant on the record:

[(a)] (i) of the right to file a motion to modify sentence and to appeal, of the time within which the defendant must exercise those rights, and of the right to assistance of counsel in the preparation of the motion and appeal; and

[(b)] (ii) of the rights, if the defendant is indigent [, to proceed *in forma pauperis* and] to proceed with assigned counsel as provided in Rule 122 Appointment of Counsel.

(4) The judge shall require that a record of the sentencing proceeding be made and preserved so that it can be transcribed as needed. The record shall include:

[(a)] (i) the record of any stipulation made at a pre-sentence conference; and

[(b)] (ii) a verbatim account of the entire sentencing proceeding.

[(E)] (e) *Motion to Modify Sentence*. motion to modify a sentence imposed after a revocation shall be filed within [10] ten days of the date of imposition. The filing of a motion to modify sentence will not toll the 30-day appeal period.

Comment:

This rule addresses *Gagnon II* revocation hearings [only, and not the procedures for determining probable cause (*Gagnon I*)]. See *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

[Paragraph (A)] Subdivision (a) requires that the *Gagnon II* proceeding be initiated by a written request for revocation filed with the clerk of courts.

The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in this rule. However, the judge need not wait for disposition of new criminal charges to hold such hearing. See *Commonwealth v. Kates*, [452 Pa. 102,] 305 A.2d 701 (Pa. 1973).

This rule does not govern parole cases under the jurisdiction of the Pennsylvania Board of Probation and Parole but applies only to the defendants who can be paroled by a judge. See [61 P.S. § 314] 42 Pa.C.S. § 9775 (Parole without board supervision). See also

Georgevich v. Court of Common Pleas of Allegheny County, [510 Pa. 285,] 507 A.2d 812 (Pa. 1986).

[This rule was amended in 1996 to include sentences of intermediate punishment. See 42 Pa.C.S. §§ 9763 and 9773.] Rules 704, 720, and 721 do not apply to revocation cases.

The objective of the procedures enumerated in [paragraph (C)] subdivision (c) is to enable the court to sentence the defendant on all outstanding charges within the jurisdiction of the sentencing court at one time. See [Rule] Pa.R.Crim.P. 701.

When a defendant is permitted to plead guilty to multiple offenses as provided in [paragraph (C)] subdivision (c), if any of the other offenses involves a victim, the sentencing proceeding must be delayed to afford the Commonwealth adequate time to contact the victim(s), and to give the victim(s) an opportunity to offer prior comment on the sentencing or to submit a written and oral victim impact statement. See [the] Crime Victims Act, 18 P.S. § 11.201(5).

Issues properly preserved at the sentencing proceeding may, but need not, [but may,] be raised again in a motion to modify sentence in order to preserve them for appeal. In deciding whether to move to modify sentence, counsel must carefully consider whether the record created at the sentencing proceeding is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, [444 Pa. Super. 295,] 663 A.2d 790, 791-2 [,] n.1 (Pa. Super. 1995). As a general rule, the motion to modify sentence under [paragraph (E)] subdivision (e) gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, [520 Pa. 385,] 554 A.2d 50 (Pa. 1989) (sentencing court can, *sua sponte*, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, [437 Pa. 288,] 263 A.2d 339 (Pa. 1970) (inherent power of the court to correct obvious and patent mistakes).

Under this rule, the mere filing of a motion to modify sentence does not affect the running of the 30-day period for filing a timely notice of appeal. Any appeal must be filed within the 30-day appeal period unless the sentencing judge within 30 days of the imposition of sentence expressly grants reconsideration or vacates the sentence. See *Commonwealth v. Coleman*, 721 A.2d 798, 799 [, f] n.2 (Pa. Super. 1998). See also Pa.R.A.P. 1701(b)(3).

Once a sentence has been modified or re-imposed pursuant to a motion to modify sentence under [paragraph (E)] subdivision (e), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify sentence in order to preserve an issue for appeal, as long as the issue was properly preserved at the time sentence was modified or re-imposed.

[Note: Former Rule 1409 adopted July 23, 1973, effective 90 days hence; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment revised November 1, 1991, effective January 1, 1992; amended

September 26, 1996, effective January 1, 1997; Comment revised August 22, 1997, effective January 1, 1998; renumbered Rule 708 and amended March 1, 2000, effective April 1, 2001; amended February 26, 2002, effective July 1, 2002; amended March 15, 2013, effective May 1, 2013.

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**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE
REPUBLICATION REPORT**

**Proposed Amendment of Pa.R.Crim.P. 122;
Rescission of Pa.R.Crim.P. 520—529 and
Replacement with Pa.R.Crim.P. 520.1—520.19;
Adoption of Pa.R.Crim.P. 708.1, and Renumbering
and Amendment of Pa.R.Crim.P. 708.**

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court a set of statewide procedural rules governing bail proceedings and technical violations of county probation and parole.

Beginning in 2018, a workgroup was formed to review criminal pretrial detention practice in Pennsylvania. The workgroup identified the goal of the pretrial process as detaining the least number of people—through timely release at the earliest stage of the proceedings—as is necessary to reasonably ensure both the safety of the community and that defendants appear for court.

A set of proposed rules developed by the workgroup was submitted to the Criminal Procedural Rules Committee for consideration, and, after some revisions, those rules were published for comment. See 52 Pa.B. 205 (January 8, 2022). The Committee received 74 responses, both from organizations and individuals. With the benefit of those comments, the Committee is proposing a number of revisions. While only rules that have been revised from the prior publication are discussed below, all of the rules comprising the January 8, 2022, proposal, except for Rule 1003, are being republished with this report.¹

¹ Stylistic amendments have also been made to conform to the recently adopted Supreme Court of Pennsylvania Style and Rulemaking Guide for Procedural and Evidentiary Rules.

The Committee invites all comments, concerns, and suggestions.

Proposal Wide Revisions

Numerous commenters disapproved of the purpose of bail including reasonably assuring “the protection of the defendant from immediate risk of substantial physical self-harm” and reasonably assuring “the integrity of the judicial system.” See Proposed Rule 502.1(A)(3) and (A)(4) as previously published. As noted by the commenters, neither is cited as a purpose of bail in *Commonwealth v. Talley*, 265 A.3d 485 (Pa. 2021) or in Article I, § 14 of the Pennsylvania Constitution. Moreover, incarcerating a defendant due to a risk of self-harm may violate the Mental Health Procedures Act. See 50 P.S. §§ 7301 and 7302. Consequently, the Committee has removed from the Introduction and from Rules 520.1, 520.3, 520.6, 520.10, and 708.1, and the accompanying commentary, any reference to either protecting the defendant from self-harm or assuring the integrity of the judicial system. The Committee has also removed “a likelihood of the destruction of evidence” as a release factor from Rule 520.6 as also unrelated to the purpose of bail.

Part C: Bail—Introduction

The Committee revised the Introduction to cite *Commonwealth v. Talley*, 265 A.3d 485 (Pa. 2021), which was decided after the proposed new rules and amendments were originally drafted. The following quote from *Talley* has been included in to the Introduction: “When the Commonwealth seeks to deny bail, the quality of its evidence must be such that it persuades the bail court that it is substantially more likely than not that the accused is nonbailable, which is just to say that the proof is evident or the presumption great.” The Committee concluded that a seminal decision such as *Talley* should be cited as earlier as possible in the rules governing bail.

Rule 520.1. Purpose of Bail

The Committee has revised the Comment to this rule to cite *Talley* at the conclusion of the first paragraph of the Comment. As the Comment quotes Article I, § 14 of the Pennsylvania Constitution, which includes the standard “the proof is evident or presumption great,” reference to *Talley* will provide appropriate guidance to the reader regarding this longstanding standard. See Constitution of Pennsylvania, September 28, 1776, Plan or Frame of Government for the Commonwealth or State of Pennsylvania, Section 28 (“All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.”).

Rule 520.2. Bail Determination Before Verdict

A commenter suggested amending subdivision (c)(1) of this rule to read: “At the preliminary arraignment when the bail authority does not temporarily detain the defendant pending a detention hearing. . .” According to the commenter, denoting a detention ordered at a preliminary arraignment as “temporary” comports with the distinction between a “temporary detention” and “detention,” as those terms are used in Proposed Rule 520.16 (Detention). The Committee agreed to the clarification, and subdivision (c)(1) has been revised.

Rule 520.4. Detention of Witnesses

To help prevent a witness from being unnecessarily detained, a subdivision (f) has been added to this rule: “(f) Status Conference. The court shall conduct a status conference no less than every 10 days while the witness remains detained under this rule. The purpose of the status conference is to determine the necessity of continu-

ing to detain the witness.” Requiring a status conference every 10 days will also help avoid a witness becoming “lost,” *i.e.*, mistakenly detained beyond any need for their testimony, while also motivating the preservation of the witness’s testimony when possible.

Rule 520.6. Release Factors

To be more consistent with an individualized approach to determining bail, a commenter suggested subdivision (a)(2) (Personal Information) should instead be subdivision (a)(1). The Committee agreed. The subdivisions have been reordered as follows: (a)(1) Personal Information, (a)(2) Current Charge, and (a)(3) Prior Criminal History.

Subdivision (A)(1)(e) of this rule as previously published has been removed. That subdivision read: “likelihood of witness intimidation or destruction of evidence by the defendant.” The Committee concluded that witness intimidation was encompassed by the safety of the community consideration, *see* Rule 520.1(a)(2), and that preventing destruction of evidence was not a proper purpose of bail.

A commenter recommended that the rule retain “employment history,” *see* Pa.R.Crim.P. 523(A)(2), as a factor. As previously published, Proposed Rule 520.6(A)(2)(b), now subdivision (a)(1)(ii), would require the bail authority to consider the defendant’s “employment.” Consideration of a defendant’s employment history was not retained over concern that a defendant’s unemployment is often involuntary and, therefore, should not be weighed against the defendant. However, the Committee recognizes that employment history can give a fuller picture of a defendant for a bail authority to consider. For example, a defendant may be currently unemployed after having worked for the same employer for 15 years. Additionally, a potential unintended consequence of the previously proposed change—removing “history”—could be that judges will interpret the amendment as indicating that employment history should no longer be considered. Thus, the Committee has revised subdivision (a)(1)(ii) to include “status and history.”

A commenter expressed concern about subdivision (a)(3)(i), which replaced “prior criminal record,” which is currently found in Pa.R.Crim.P. 523(A)(8), with “record of convictions.” Limiting subdivision (a)(3)(i) of the proposed rule to convictions avoids potential disparities that might result from the inclusion of arrests, which often reflect how communities are policed rather than differences in criminal involvement. A compromise considered by the Committee was to require the bail authority to consider convictions while leaving consideration of a defendant’s criminal history discretionary. Whether the number of times a defendant has been arrested is indicative of a risk of future arrest or flight was also debated. As a middle ground, the Committee has revised subdivision (a)(3)(i) to include “relevant criminal history.” Subdivision (a)(3)(i) has also been revised to include “final civil protection orders against the defendant,” which could be particularly relevant in domestic violence cases. In full, the subdivision now reads: “record of convictions, relevant criminal history, and final civil protection orders against the defendant.” A corollary amendment to the Comment advises that civil protection orders are protection from abuse orders, 23 Pa.C.S. § 6108, and protection of victims of sexual violence and intimidation orders, 42 Pa.C.S. § 62A07.

Rule 520.7. Bail Determination

A commenter suggested rewriting this rule to read: “The determination, including any special conditions,

shall be imposed by the bail authority following a finding that they are needed to satisfy the purpose of bail.” A concern was also raised over the difficulty of defining “least restrictive.” That phrase, as previously proposed, was intended to address the practice of “over-conditioning.” To provide clarification, it was suggested that the Comment should explain the required progression of bail determinations as reflected in Proposed Rules 520.10(a) and 520.11(a) and in the Comment to this rule a previously published.

While not choosing to adopt the language suggested, the Committee recognizes the concern raised and has revised the rule to read: “Any bail conditions beyond release with general conditions shall be imposed only upon a finding that they are necessary to satisfy the purpose of bail as provided in Rule 520.1.” The rule has also been retitled “Bail Determination,” and the Comment has been revised to provide a detailed description of the bail determination process.

Rule 520.8. Determination: Release with General Conditions

As previously published, subdivision (a)(3) of Proposed Rule 520.8 would require a defendant to give notice to the District Attorney of any address change. This subdivision was borrowed from Pa.R.Crim.P. 526(A)(3). A commenter would remove this requirement, noting that a defendant should not have to provide any statement to the attorney for the Commonwealth. A further suggestion was made to move the notification requirement to subdivision (b) (Bond).

Recognizing the inappropriateness of requiring a defendant to contact the attorney for the Commonwealth, the Committee has revised subdivision (a)(3) to inform a defendant that they are required to provide notice to “those identified on the bail bond.” Subdivision (c) of Proposed Rule 520.13 (Bail Bond) has been revised to require the bail bond to identify those to whom the defendant must provide written notice of any change of address as now required by this rule. This generality allows each county freedom to designate to whom notification must be provided.

Rule 520.10. Determination: Release with Non-Monetary Special Conditions

“When the proof is evident and the presumption is great” has been removed from this rule as inconsistent with *Talley*. *See Talley*, 265 A.2d at 525 (“The ‘proof is evident or presumption great’ standard does not govern a bail court’s discretion in setting the amount of bail.”). After concluding that the above language should be removed from subdivision (a), the Committee rewrote subdivision (a) to provide:

When general conditions are insufficient, a defendant may be released subject to both general conditions and any non-monetary special conditions necessary to fulfill the purpose of bail as provided in Rule 520.1.

Thus, rather than repeating the purpose of bail in this subdivision, the subdivision simply refers the reader to Rule 520.1.

A commenter advised that “drug or alcohol dependency assessment” in subdivision (b)(9) should be replaced with either “substance use disorder assessment” or “substance abuse assessment” to reflect current usage. The Committee agreed and opted for the former.

Another commenter recommended amending this rule to remind the bail authority that conditions need to be tailored to the particular defendant. In response, the

Committee has revised subdivision (b) to read: “Non-monetary special conditions, individualized to the defendant, may include, but are not limited to, the following[.]”

Lastly, a commenter suggested including “witness” in subdivision (b)(12), which, as originally proposed, read: “no contact by the defendant with the victim.” The Committee agreed. This subdivision has been revised to conclude, “or any witness.”

Rule 520.11. Determination: Release with Monetary Conditions

Uncertainty over the meaning of “verified” as used in subdivision (d)(1) was expressed by a commenter. The commenter questioned whether verification of the financial disclosure form required an independent third-party verification of facts or just a statement offered under penalty of unsworn falsification, *see* 18 Pa.C.S. § 4904 (Unsworn falsification to authorities), or something else. To clarify who is verifying the information on the form, the Committee has revised this subdivision to begin: “A financial disclosure form, verified by the defendant. . .”

As previously proposed, subdivision (h) read: “A secured monetary condition shall never be imposed for the sole purpose of detaining a defendant until trial.” The Committee has chosen to revise this subdivision to omit “sole.” Modifying “purpose” by “sole” implied that detention may be one of several reasons for imposing a secure monetary condition, so long as it is not the only reason. In the Committee’s view, detention is not a proper purpose, whether the only purpose or one among many, of a secured monetary condition.

According to a commenter, the last sentence of the penultimate paragraph of the Comment as previously published conflicts with current law. The contested commentary states: “a secured monetary condition should not be imposed to mitigate any other risk other than a failure to appear.” This commenter read the above as reducing the purpose of bail to one purpose, ensuring the defendant’s appearance. However, the above sentence begins with the clarification: “unless a defendant is the depositor.” Thus, the limitation expressed only applies when the defendant is *not* the depositor. Moreover, the penultimate sentence of that paragraph clarifies that “[t]hird part[y] sureties are not liable for a defendant’s new criminal act or other violations of conditions.” In other words, a third-party surety’s obligation is to protect against non-appearance. *See* 42 Pa.C.S. § 5747.1(b)(6) (“No third-party surety shall be responsible to render payment on a forfeited undertaking if the revocation of bail is sought for failure of the defendant to comply with the conditions of the defendant’s release other than appearance.”). Nonetheless, to avoid any potential confusion, the last sentence of the penultimate paragraph of the Comment, “Therefore, unless a defendant is the depositor, a secured monetary condition should not be imposed to mitigate any other risk other than a failure to appear,” has been removed. That paragraph now concludes: “Third party sureties are not liable for a defendant’s new criminal act or other violations of conditions.”

Several commenters suggested that subdivision (a) should refer to the imposition of general conditions, and the Committee agreed. Accordingly, subdivision (a) has been revised to read:

When general conditions and non-monetary special conditions or combination of conditions are insufficient, a bail authority may, in addition to general conditions and non-monetary special conditions or combination of conditions, impose a monetary condi-

tion on a defendant’s release to satisfy the purpose of bail, as provided in Rule 520.1.

Additionally, as seen above, “non-monetary special conditions” would be replaced with “non-monetary special conditions or combination of conditions.”

Rule 520.13. Bail Bond

As noted previously, subdivision (c) of this rule has been revised to require the bail bond to identify those to whom the defendant must provide written notice of any change of address as required by Rule 520.8(a)(3).

To avoid confusion with “detention” as provided for in Rule 520.16, *see* below, subdivision (f) of this rule has been revised by replacing “detention” with “incarceration” and “detain” with “incarcerate.”

Rule 520.15. Condition Review

Some commenters noted that increasing the time between the initial bail determination and a review hearing pursuant to this rule might ease the burden on county resources and result in more conditions being satisfied and more defendants being released without the need for a hearing. It was suggested that expanding the time beyond 72 hours would allow counties to designate a day of the week to conduct all review hearings. Conversely, any timeframe shorter than a week would likely result in review hearings being held daily. The Committee is now proposing that review hearings be held within five days of the initial determination. This timeframe would permit counties to conduct such hearings once a week and provide adequate time for victims to arrange to be present at the review hearing. *See* 18 P.S. § 11.201(2.1)(iii) (providing victims with the right to offer comment regarding a defendant’s bail conditions at any proceeding where bail conditions may be modified). The Committee has also removed the language regarding the exclusion of non-business days to encourage counties to conduct hearings prior to the expiration of five days rather than after the expiration of five days when the fifth day falls on a non-business day. (For example, if hearings are regularly scheduled for Friday, but Friday would be the fourth day after a defendant’s initial bail determination, that defendant should have his or her hearing on the fourth day rather than waiting an additional week.)

A commenter asked whether a condition review hearing would accommodate witnesses and whether it would be of record. The uncertainty likely resulted from the use of the term “information”, *see* Proposed Rule 520.15(d), rather than “evidence.” The Committee has revised the Comment to explain: “At a review of conditions, any information from any source that will aid the judge in conducting the review, including testimony from witnesses, may be presented.”

The use of “detained” in this rule was questioned by some commenters. It was suggested that the use of “detained” should be limited to Proposed Rule 520.16 (Detention). The Committee agreed. “Detained” has been replaced with “incarcerated” in this rule. This revision is also consistent with the revisions made to Proposed Rule 520.13 discussed above.

A commenter suggested this rule should make clear that a reviewing judge must provide a written or recorded statement of reasons for any determination made pursuant to this rule. In response, the Committee has revised the Comment to instruct the reader that: “Rule 520.12 requires the bail authority to provide ‘a recorded or written contemporaneous statement of reasons for any

bail determination.’ This requirement also applies to a judge’s determination pursuant to this rule, whether or not bail is modified.”

The Committee has also revised this rule to require a review of conditions to be conducted by a judge of the court of common pleas or by a judge of the Philadelphia Municipal Court. As previously proposed, a review of conditions would be conducted by the bail authority. The bail authority could either be the original bail authority or another judge sitting as a bail authority as designated by the president judge. According to a commenter, confusion could arise over whether a magisterial district judge would have the authority to modify bail at the defendant’s preliminary hearing, *see* Proposed Rule 520.17(b), if bail had been previously modified by a common pleas judge sitting by designation as a bail authority. In other words, would the restriction on further modification contained in Proposed Rule 520.17(d) apply when a common pleas judge sits as a bail authority rather than as a common pleas judge. By requiring a review of conditions to be conducted by either a judge of the court of common pleas or a judge of the Philadelphia Municipal Court, and removing the authority of a president judge to designate a judge to sit as a bail authority, the scenario potentially resulting in confusion can no longer occur.

Rule 520.16. Detention

In reviewing this rule, the Committee concluded that *Talley* should be cited regarding detention when “[n]o available condition or combination of conditions other than detention will reasonably assure that a defendant’s release is consistent with the purpose of bail[.]” Proposed Rule 520.16(a)(2). Thus, the Committee has revised the Comment to this rule to include the following:

Regarding subdivision (c), “when the Commonwealth seeks to deny bail due to the alleged safety risk the accused poses to ‘any person and the community,’ those qualitative standards demand that the Commonwealth demonstrates that it is substantially more likely than not that (1) the accused will harm someone if he is released and (2) there is no condition of bail within the court’s power that reasonably can prevent the defendant from inflicting that harm.” *Commonwealth v. Talley*, 265 A.3d 485, 525 (Pa. 2021). More generally, “[w]hen the Commonwealth seeks to deny bail, the quality of the evidence must be such that it persuades the bail court that it is substantially more likely than not that the accused is nonbailable[.]” *Id.* 524-25.

For clarity, subdivision (c)(4) has been revised to begin: “A detention hearing before a judge of the court of common pleas or a judge of the Philadelphia Municipal Court shall be scheduled to occur within 48 hours of the defendant’s first appearance.”

Rule 520.18. Responsibilities of Pretrial Services

A commenter expressed concern that adoption of this rule could result in the elimination of or need for significant modification of current pretrial services. To avoid disrupting existing pretrial services, which may not be able to undertake all of the obligations mandated by the previously published version of this rule, the Committee has revised this rule to require such services to “include one or more of the following[.]” With this revision, counties will have more flexibility in devising their pretrial services and will not need to consider forgoing pretrial services entirely because they cannot manage or afford to provide all of the services required by subdivisions (a) through (f).

Rule 520.19. Pretrial Risk Assessment Tool Parameters

A commenter proposed prohibiting the use of risk assessment tools unless 1) the factors that are used to calculate risk are transparent and 2) data on the tool is made publically available so that experts can determine whether the tool is racially and ethnically neutral. A concern was also raised regarding due process and a defendant’s ability to challenge a recommendation resulting from a risk assessment tool if the data relied on to create the algorithm are not public. Another commenter suggested removing from subdivision (c) the requirement that periodic validation demonstrate race and gender neutrality. Although misuse of information made public was a concern, the Committee concluded that the importance of transparency outweighed the possibility of publically available data being misused.

With this in mind, the Committee has revised subdivision (c) to remove the 70% minimum level of predictability requirement, to insert a requirement that data be made available to the public to assess gender and race neutrality, to remove the requirement of demonstrating racial and gender neutrality,² and to require data used for validation to be made public. In balance the removal of the 70% minimum level of predictability, subdivision (c) has been revised to conclude: “to a reasonable degree of statistical certainty.”

As previously published, subdivision (a) of this rule would have required a pretrial risk assessment to be conducted in all criminal cases prior to the preliminary arraignment or, when no preliminary arraignment is held, prior to the preliminary hearing. Some commenters were concerned that a county incapable of conducting an assessment in every criminal case, but capable of conducting an assessment in some cases, would be barred by the rule from doing so. Commenters also expressed concern regarding subdivision (a)’s requirement that a risk assessment be conducted prior to the preliminary arraignment when a preliminary arraignment will be held. These commenters contended that this requirement was not feasible without additional funding. Yet, the purpose of a pretrial risk assessment is to aid a bail authority in setting bail, which is most frequently set at the preliminary arraignment, and thus, a risk assessment tool’s usefulness is significantly diminished when not used prior to the preliminary arraignment.

To accommodate those counties unable to conduct assessments in all cases, and to provide some flexibility in the rule, the Committee has revised the Comment to clarify that risk assessment tools may be used at a later time and that nothing in this rule prohibits a defendant or the Commonwealth from asking for a reassessment with the filing of a motion to modify bail. The Committee has also removed “in all criminal cases” from subdivision (a) and revised that subdivision to begin: “[w]hen a pretrial risk assessment tool is used.” With these revisions, a jurisdiction would be permitted to use a risk assessment tool in a subset of all criminal cases.

The use of terms like “high, medium, and low” to characterize a defendant’s risk was criticized by some commenters. Some commenters suggested using percentages instead. As previously published, subdivision (E) of this rule would have required risk of pretrial failure to be classified as high, moderate, and low. Notably, these classifications—high, moderate, and low—do not necessar-

² As one commenter contended, “[t]he requirement of ‘racial and gender neutrality,’ however, is a chimera. There is no such thing: if the base rates of the predicted outcome differ across race or gender lines in the relevant group of defendants, it is mathematically impossible for risk estimates to be ‘neutral’ across race/gender lines by every metric.”

ily correspond to percentages in an obvious way. As the Committee discussed at length, high risk could, depending on the underlying data, indicate a 10% chance of failure. Generally, a 10% chance of failure is not viewed as a high risk of failure, and thus the use of “high” as a classification could be misleading. The Committee concluded that the designer of a risk assessment tool should determine how to classify levels of risk for their tool rather than having such classification dictated by rule.

In addition to dictating classifications, subdivision (E) as previously published would have required risk classifications to be described to users in terms of success. But as the rule will no longer dictate how risk will be classified, the rule will also no longer dictate how classifications—chosen by the designer of a tool—should be presented to the user. Thus, previously published subdivision (E) has been removed in its entirety.

Rule 708.1. Violation of Probation or Parole: Notice, Detainer, Gagnon I Hearing, Disposition, and Swift Sanction Program

As previously published, subdivision (D), now subdivision (d), of this rule would have required a *Gagnon I* hearing to be conducted within 14 days after the alleged violator had been detained. A commenter proposed shortening that timeframe to no later than 72 hours. As noted by several commenters, the longer an alleged violator remains detained the more likely the alleged violator will suffer negative consequences, such as losing a job, losing an apartment, or a pet dying. Beyond such tangible losses, an alleged violator with mental health issues would likely suffer significant trauma if held for 14 days before having a *Gagnon I* hearing. The Committee was concerned, however, that 72 hours may not be sufficient time for those involved to properly prepare for a hearing. Thus, as a compromise, the Committee has reduced the timeframe for conducting a *Gagnon I* hearing from 14 days to five days after an alleged violator has been detained

In response to another commenter, the Committee has revised subdivision (c) to include “including the victim” after “ongoing risk to the public’s safety.”

A commenter questioned how the timeframe for conducting a *Gagnon I* hearing would be calculated if an alleged violator has multiple detainers from multiple counties. To address this concern, the Committee has revised subdivision (d) to read: “a defendant subject to a detainer for a technical violation pursuant to subdivision (a)(3) or (b)(2) shall be brought before the sentencing judge or other designated judge or authority no later than five days after being detained in the county issuing the detainer for a hearing. . . .”

To emphasize the voluntariness of a defendant’s request for a detainer pursuant to subdivision (b)(2)(i), the Committee has revised the Comment to advise: “Nothing in this rule is intended to prohibit a defendant from withdrawing a request for a detainer to be issued.”

A commenter suggested that subdivision (a)(2) should be amended by inserting “in those judicial districts that have established a program.” With this amendment, the subdivision would read: “arrest the defendant in those judicial districts that have established a program pursuant to 42 Pa.C.S. § 9771.1.” This recommendation was made in order to clarify that the sanctions provided for in subdivision (g) of § 9771.1 are only available to judicial districts that have established a program pursuant to § 9771.1(a). The Committee accepted this recommendation, and subdivision (a)(2) has been revised accordingly.

To reflect current case law, the Committee has revised subdivision (d) to require a violation to be of a specific condition: “to determine whether probable cause exists to believe that a violation of a specific condition has been committed. . . .” *Commonwealth v. Foster*, 654 A.3d 1240 (Pa. 2019) (“[A] court may find a defendant in violation of probation only if the defendant has violated one of the “specific conditions” of probation. . .”).

Lastly, the first paragraph of the Comment has been revised to include a citation to *Morrissey v. Brewer*, 408 U.S. 471 (1972), which requires a state to choose an “independent decisionmaker” to determine if “reasonable cause exists to believe that conditions of parole have been violated.” *Morrissey*, 408 U.S. at 486.

[Pa.B. Doc. No. 23-884. Filed for public inspection July 7, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Rule 1915.11-1 Parenting Coordination; No. 2022-003777

Administrative Order

And Now, this 14th day of June, 2023, it is hereby *Ordered and Decreed* that the following Rule 1915.11-1 regarding Appointment of Parenting Coordination is hereby adopted and effective 20 days after publication in the *Pennsylvania Bulletin*.

By the Court

LINDA A. CARTISANO,
President Judge

Rule 1915.11-1. Parenting Coordination.

I. Appointment of a Parenting Coordinator

A. Parties may make a request to the Family Section Trial Judge for the appointment of a Parenting Coordinator.

B. Said request may be made by written Petition for Special Relief or by oral motion.

C. The Family Section Trial Judge may on its motion make a request to the Family Section Liaison Judge for the appointment of a Parenting Coordinator.

D. The Family Section Liaison Judge shall maintain a roster of approved parent coordinators and shall select a Parenting Coordinator from same. Whenever appropriate, selection will be on a rotating basis.

E. All Parenting Coordinator appointment requests shall be referred in writing by the Family Section Trial Judge to the Family Section Liaison Judge through form as set forth by the Family Section Liaison Judge.

i. Both the parties and the Family Section Trial Judge may recommend three specific Parenting Coordinators, in the order of their preference, however selection shall be at the discretion of the Family Section Liaison Judge.

F. Upon assignment, the Family Section Liaison Judge shall issue an Order for Parenting Coordinator pursuant to Pa.R.C.P. 1915.22 which shall be distributed to all parties and made an Order of the Court.

G. The Family Section Liaison Judge shall assign one (1) pro-bono appointment to each Parenting Coordinator for every two (2) fee-generating appointments in Delaware County.

II. *Approved Parent Coordinators*

A. An attorney or mental health professional seeking to be included on the Delaware County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit an affidavit to the Family Section Liaison Judge or his/her designee together with the following:

- i. An affidavit attesting the applicant has qualifications found in Pa.R.C.P. 1915.11-1;
- ii. An acknowledgment that the applicant has read the Association of Family and Conciliation Courts (AFCC) Parenting Coordinator guidelines and the American Psychological Association (APA) Parenting Guidelines respectively found at www.afccnet.org and www.apa.org.
- iii. An acknowledgment that for every two (2) fee generating Parenting Coordination assignments, each Parent Coordinator must accept one pro bono assignment, up to 12 hours per pro bono case.

III. *Parenting Coordinator Recommendations*

A. Parenting Coordinators shall file their Summary and Recommendations pursuant to Pa.R.C.P. 1915.23 with the Office of Judicial Support within two (2) business days after the last communication with the parties on the issues in accordance with Pa.R.C.P. 1915.11-1(f)(2) and promptly forward a copy of same via regular mail and email to the parties and the Family Section Trial Judge.

B. Parenting Coordinator shall state the manner of service of the Summary and Recommendations to the parties.

C. Parenting Coordinator shall include the rationale for their Recommendations in the Summary.

D. *Objections to Parenting Coordinator's Recommendation(s) and Petition for a Record Hearing*

i. A party objecting to the Recommendations must file with the Office of Judicial Support an original and copy of their Objections and a Petition for a Record Hearing before the Court within five (5) days of service of the Summary and Recommendations together with Proof of Service upon all parties and the Parenting Coordinator.

E. The Office of Judicial Support shall promptly forward the original Objections and Petition to the Court Administrator's Office for assignment to the parties' Family Section Trial Judge to promptly schedule a record hearing.

F. *Court Review of Parenting Coordinator's Recommendations*

i. If no objections to the Parenting Coordinator's Recommendations are filed with the Office of Judicial Support within five (5) days of service of the Summary and Recommendation, the Family Section Trial Judge assigned to the case shall review the Recommendation in accordance with the time set forth in Pa.R.C.P. 1915.11-1(f)(4) and pursuant to Pa.R.C.P. 1915.23.

IV. *Fees*

A. Parties who request the appointment of a Parenting Coordinator, or who are identified by the Court as benefiting from the appointment of a Parenting Coordinator, shall pay the Parenting Coordinator as follows:

- i. His or her hourly rate which may be up to \$300 per hour.
- ii. Absent good cause, parties shall pay the initial retainer which shall not exceed the equivalent of five (5) hours at the parenting Coordinator's hourly rate.

iii. If a party has previously filed and been granted In Forma Pauperis status by the Court specifically for the appointment of a Parenting Coordinator, the Parenting Coordinator so appointed shall serve on a pro bono (no fee) basis, up to 12 hours.

iv. A Parenting Coordinator must accept one pro bono appointment for every two fee generating appointments.

v. Parent Coordinators are not funded by the County.

V. *Miscellaneous*

A. A Parenting Coordinator shall not be required to make a Recommendation to the Court, at their discretion, on every disputed issue raised by the parties.

B. The appointing Judge may reject a Recommendation from a Parenting Coordinator without a proceeding, at their discretion, if the disputed issue exceeds the authority set forth in Pa.R.C.P. 1915.11-1(f)(4).

C. Unless the parties consent and appropriate safety measures are in place to protect the participants, including the parenting coordinator and other third parties, a parenting coordinator shall not be appointed if:

- i. The parties to the custody action have a protection from abuse order in effect;
- ii. The court makes a finding that a party has been a victim of domestic violence perpetrated by a party to the custody action, either during the pendency of the custody action or within 36 months preceding the filing of the custody action; or

iii. The court makes a finding that a party to the custody action has been the victim of a personal injury crime, as defined in 23 Pa.C.S. 3103, which was perpetrated by a party to the custody action.

D. If a party objects to the appointment of a parenting coordinator based on an allegation that the party has been the victim of domestic violence perpetrated by a party to the custody action, the court shall have a hearing on the issue and may consider abuse occurring beyond the 36 months provided in subdivision (a)(2)(ii).

E. The length of appointment of a Parenting Coordinator shall be pursuant to Pa.R.C.P. 1915.11-1(a)(3) and Pa.R.C.P. 1915.11-1(a)(4).

F. Procedures and forms can be found on the County of Delaware and Delaware County Bar Association websites.

[Pa.B. Doc. No. 23-885. Filed for public inspection July 7, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

McKEAN COUNTY

Adoption of Local Rules of Criminal, Juvenile and Procedure; 13 AD 2023

Order of Court

And Now, this 26th day of June, 2023, it is *Hereby Ordered and Decreed* as follows:

1. The following McKean County Local Rules are *Hereby Adopted* pursuant to Pa.R.Crim.P. 576.1. and shall be effective thirty (30) days following this publication: July 26 2023.

2. The adopted Local Rules shall be disseminated and published in the following manner:

a. One (1) certified copy of the Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

b. The adopted Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. A copy of the adopted Local Rules shall be published on the Unified Judicial System's website through the Pennsylvania Judiciary's Web Application Portal;

d. The adopted Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of McKean County, and upon request and payment of reasonable costs of reproduction and mailing, a copy shall be furnished to any requesting person;

e. The adopted Local Rules shall be published on the website for the County of McKean.

By the Court

JOHN H. PAVLOCK,
President Judge

**MCKEAN COUNTY LOCAL RULE OF
CRIMINAL PROCEDURE 576.1**

Rule L-576.1. Electronic Filing and Service of Legal Papers.

(A) General Scope and Purpose of this Rule

The electronic filing of legal papers in the Court of Common Pleas, 48th Judicial District, is hereby authorized in accordance with Pa.R.Crim.P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) Use of the electronic filing system is permissive and legal papers permitted and excluded from electronic filing are as defined in Pa.R.Crim.P. 576.1(C).

(C) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 48th Judicial District as of August 14, 2023.

(D) The Clerk of Courts may maintain an electronic file only with approval from the Court, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining "legal paper." For excluded filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.

(E) PACFile

a. the exclusive system for electronic filing is the PACFile system, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web portal at: <https://ujportal.pacourts.us/PACFile.aspx>.

b. pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including accepting of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

c. any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and

other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(F) Legal Papers in a Paper Format

Any legal paper submitted for filing to the Clerk of Courts in paper (or "hard-copy") format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to .pdf, the .pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Court of Common Pleas, 48th Judicial District.

(G) Filing Fees

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or published fee schedule.

(H) Record on Appeal

Electronically filed legal papers, and copies of legal papers filed in a paper format provided in subsection (F), shall become the record on appeal.

(I) Confidential Information

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Court whether filed electronically or in paper format.

(J) Miscellaneous provisions

The Clerk of Courts shall provide sufficient means to allow parties and the public to file and access legal papers as provided by this rule and as authorized by any applicable statutes, rules, or policy.

Order of Court

And Now, this 26th day of June, 2023, it is *Hereby Ordered and Decreed* as follows:

1. The following McKean County Local Rules are *Hereby Adopted* pursuant to Pa.R.J.C.P. 205 and Pa.R.J.C.P. 1205. and shall be effective thirty (30) days following this publication: July 26th 2023.

2. The adopted Local Rules shall be disseminated and published in the following manner:

a. One (1) certified copy of the Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

b. The adopted Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. A copy of the adopted Local Rules shall be published on the Unified Judicial System's website through the Pennsylvania Judiciary's Web Application Portal;

d. The adopted Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of McKean County, and upon request and payment of reasonable costs of reproduction and mailing, a copy shall be furnished to any requesting person;

e. The adopted Local Rules shall be published on the website for the County of McKean.

By the Court

JOHN H. PAVLOCK,
President Judge

**MCKEAN COUNTY LOCAL RULE OF
JUVENILE COURT PROCEDURE 205**

Rule 205. Electronic Filing and Service of Legal Papers.

(A) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 48th Judicial District as of August 14, 2023.

(B) All parties represented by counsel and juvenile probation personnel are permitted to electronically file legal papers through PACFile with the clerk of courts, unless otherwise prohibited by Pa.R.J.C.P. 205(C), and for which PACFile has the technical capability to process. Legal papers that are exempt from filing by PACFile include:

- a. Applications for search warrants;
- b. Applications for arrest warrants;
- c. Exhibits offered into evidence, whether admitted or not, in a proceeding before a common pleas judge or hearing officer; and
- d. Submissions filed ex parte as authorized by law.

(C) Any party who is unable to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, establishment of a PACFile account by a filing party shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

(D) The clerk of courts shall maintain a physical paper file until the case is closed. Following closure, the clerk of courts may maintain an electronic file only after entering a docket notation that the electronic file is a complete and true copy of the physical file with the exception of those items identified in subsections (B)(a)–(d), which must be maintained in a physical paper format only in accordance with Pa.R.J.C.P. 205(C).

**MCKEAN COUNTY LOCAL RULE OF
JUVENILE COURT PROCEDURE 1205**

Rule 1205. Electronic Filing and Service of Legal Papers.

(A) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 48th Judicial District as of August 14, 2023.

(B) The system shall permit the following parties to electronically file legal papers through PACFile with the clerk of courts, unless otherwise prohibited by Pa.R.J.C.P. 1205(C), and for which PACFile has the technical capability to process: attorneys, parties proceeding without counsel, and non-attorney persons or entities with standing to participate in a proceeding. Legal papers that are exempt from filing by PACFile include:

a. Exhibits offered into evidence, whether admitted or not, in a proceeding before a common pleas judge or hearing officer; and

b. Submissions filed ex parte as authorized by law.

(C) Any party who is unable to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, establishment of a PACFile account by a filing party shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

(D) The clerk of courts shall maintain a physical paper file until the case is closed. Following closure, the clerk of courts may maintain an electronic file only after entering a docket notation that the electronic file is a complete and true copy of the physical file with the exception of those items identified in subsections (B)(a)–(b), which must be maintained in a physical paper format only in accordance with Pa.R.J.C.P. 1205(C).

[Pa.B. Doc. No. 23-886. Filed for public inspection July 7, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Rescinding Rule WC571 and Adopting New Rule WC571; No. 3 of 2023

Order

And Now, this 21st day of June, 2023, *It Is Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC571 is rescinded and new Rule WC571 is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

CHRISTOPHER A. FELICIANI,
President Judge

Rule WC571. Arraignment.

(a) Notice of Arraignment date shall be provided at the preliminary hearing in person to the defendant, defense counsel, and the district attorney's office by the magisterial district judge when the case is bound over to the Court of Common Pleas. In the event that any of the aforementioned do not appear at the preliminary hearing, notice may be sent via first-class mail.

(b) Within three days (excluding the day of receipt) of receiving the official papers from the magisterial district judge, the clerk of courts shall send a copy of the official papers, including the notice of court arraignment, to the district attorney.

(c) The clerk of courts shall provide information concerning new cases to the criminal court administrator and to the district attorney as the cases are received. The form of the information forwarded shall be as required and agreed to between the appropriate offices.

(d) Arraignments shall be held in the courtroom of the judge assigned by the criminal court administrator. The district attorney and public defender shall assure that attorneys attend each scheduled arraignment.

(e) At arraignment the district attorney shall provide the defendant with a copy of the information and, where possible, discovery material mandated under Pa.R.Crim.P. 573(B)(1).

(f) A defendant may waive arraignment if he is represented by counsel by filing a Waiver of Arraignment Form with the Clerk of Courts and providing a copy of the Waiver to the Criminal Court Administrator's Office. An

attorney who files a Waiver of Arraignment on behalf of a defendant enters an appearance by doing so.

Adopted December 16, 1993, effective April 1, 1994; Section (a) revised February 22, 1994, effective April 18, 1994; Sections (d) and (f) revised June 30, 1995, effective August 21, 1995. Revised and renumbered from WC303 May 10, 2001, effective July 2, 2001.

[Pa.B. Doc. No. 23-887. Filed for public inspection July 7, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Duties and Rights of Licensees

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend §§ 5.11, 5.14, 5.17, 5.18, 5.21 and 5.23, to read as set forth in Annex A.

Summary

This proposed rulemaking updates several sections in Chapter 5, Subchapter B (relating to employees of licensees), which pertain to employees of licensees. Many of these sections are duplicative and improperly located. In addition, some references are outdated. This proposed rulemaking is part of the Board's ongoing process to update its regulations and has not been prompted by any recent legislative changes.

This proposed rulemaking would delete § 5.11 (relating to general requirement). Section 5.11 notes that the Board provides for the appointment of managers and references §§ 5.16—5.18. However, § 5.16 has previously been reserved; the subject of § 5.17 (relating to distributor or importing distributor licensees; appointment of manager) is addressed in § 5.22(b) (relating to employment of licensees); and the subject of § 5.18 (relating to licensees not exempt from penalties) is addressed in § 5.23(e) (relating to appointment of managers). In short, § 5.11 provides no additional regulatory content and therefore warrants deletion.

This proposed rulemaking would amend § 5.14 (relating to employment of minors 17 years of age as 18 years of age). This section cites the Child Labor Law previously found at 43 P.S. §§ 41—66, and reiterates provisions of the statute. However, the act of October 24, 2012 (P.L. 1209, No. 151) repealed the Child Labor Law and replaced it with the Child Labor Act (43 P.S. §§ 40.1—40.14). Therefore, the current text is proposed to be deleted and replaced with a reference to the Child Labor Act.

Because §§ 5.15 and 5.16 are already reserved, the next section addressed by this proposed rulemaking is § 5.17. The undesignated heading for §§ 5.11—5.18 is "Employment of Minors," but the subject of § 5.17 pertains to distributor or importing distributor licensees having other employment. This subject is also addressed, almost verbatim, in § 5.22(b). Therefore, this proposed rulemaking would delete § 5.17 because it does not correspond to the heading and it is duplicative.

Similarly, the subject of § 5.18 has nothing to do with minors, but provides that the appointment of a manager does not exempt a licensee from penalties for violations of the Liquor Code (47 P.S. §§ 1-101—10-1001) and the Board's regulations. This subject is also addressed in § 5.23(e). Therefore, this proposed rulemaking would delete § 5.18 because it does not correspond to the heading and it is duplicative.

This proposed rulemaking would amend § 5.21 by updating the reference to § 5.14.

This proposed rulemaking makes no changes to § 5.22.

This proposed rulemaking would amend § 5.23(a). The last sentence of subsection (a) currently provides that "The manager shall devote full time and attention to the

licensed business." However, subsection (d) reiterates the same information and goes on to explain that the manager "...may not be employed or engaged in another business unless prior written approval is obtained from the Board." To reduce confusion, this proposed rulemaking would add the additional language of subsection (d) to subsection (a) and deletes that language in subsection (d).

This proposed rulemaking would amend § 5.23(c) by creating paragraphs (1) and (2) from text in subsection (d). The last sentence in subsection (c) is "Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by the appropriate fee." The fee information is currently found in the first and last sentences of section (d). The Board believes that moving the fee information to the end of subsection (c) will improve understanding.

This proposed rulemaking would add subsection (c.1), which references § 3.35 (relating to persons from whom criminal history record information checks are required). This information is included to provide additional guidance to the regulated community.

This proposed rulemaking would delete the first and last sentences of subsection (d), having relocated this text to create two new paragraphs in subsection (c). In addition, this proposed rulemaking deletes the third sentence of subsection (d), since this information is proposed to be moved to subsection (a).

This proposed rulemaking would amend subsection (e) to clarify that the Board is only involved with the approval or disapproval of a manager. Currently, subsection (e) begins "Appointment or approval, or both, by the Board of a manager. . ." The Board does not appoint a manager; the licensee appoints a manager. The Board either approves or disapproves the appointment.

This proposed rulemaking would amend subsection (g), which pertains to what must be done when the manager is ill or on vacation, by fixing a typographical error that incorrectly references "licensee" instead of "manager." In addition, this proposed rulemaking would add paragraphs (1) and (2) to reorganize the text and explain the procedure to follow in the event of the death of a licensee who was also serving as the manager.

Affected Parties

There are approximately 27,000 licensees who may be affected by this proposed rulemaking. It is anticipated that these changes will have a positive impact on the affected parties, in that the regulations will become more streamlined and easier to understand.

Paperwork Requirements

This proposed rulemaking will not require any additional paperwork to be filed.

Fiscal Impact

This proposed rulemaking is not anticipated to have any fiscal impact.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel, or

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

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 23, 2023 the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

TIM HOLDEN,
Chairperson

Fiscal Note: 54-99. No fiscal impact; recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter B. EMPLOYEES OF LICENSEES

EMPLOYMENT OF MINORS

§ 5.11. [**General requirement**] [Reserved].

[Under section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), the Board provides for the appointment of managers in the operation of licensed premises, subject to §§ 5.16—5.18 (relating to appointment of managers; distributor or importing distributor licenses; appointment of manager; and licensees not exempt from penalties.)]

§ 5.14. [**Employment of minors 17 years of age as 18 years of age**] Child Labor Act.

[Under the Child Labor Law (43 P.S. § 41), a minor who is 17 years of age who is a high school graduate or who is declared to have attained his academic potential by the chief administrator of the school district within which he resides shall be deemed to be a minor of 18 years of age for the purposes of this subchapter. It shall be the duty of the employer to have in his possession on the licensed premises, and to produce on demand, a certified copy of a diploma or certificate of gradua-

tion of the 17-year-old minor, or a letter on the official stationery of the school district and over the signature of the chief administrator of the school district in which the minor resides, declaring that the 17 year old minor has attained his academic potential.] Reference is directed to the Child Labor Act (43 P.S. §§ 40.1—40.14), which establishes general limitations on the employment of minors and specifically addresses the employment of minors where alcoholic beverages are produced, sold or dispensed.

§ 5.17. [**Distributor or importing distributor licenses; appointment of manager**] [Reserved].

[In accordance with section 492(12) of the Liquor Code (47 P.S. § 4-492(12)), no individual holding a distributor or importing distributor license is permitted to be employed or engaged in another business on or off the licensed premises without Board approval. If the license is issued in the name of a partnership, one of the partners shall be designated as manager and the Board may permit the other partner to have outside employment. However, the partnership shall first secure written permission from the Board before any of its members may be employed in an occupation or enterprise other than the licensed business.]

§ 5.18. [**Licensees not exempt from penalties**] [Reserved].

[Appointment of a manager may not exempt the licensee from the penalties provided by law and Board regulations for violations committed in the licensed establishment or in the course of the licensed business.]

EMPLOYMENT OF OTHERS

§ 5.21. **Prohibited employment.**

A retail licensee may not employ in his licensed establishment a person who is precluded by section 493(14) of the Liquor Code (47 P.S. § 4-493(14)) from frequenting the establishment, except minors employed in accordance with §§ 5.12—5.14 (relating to employment of minors by retail licensees; employment of minors 18 to 21 years of age by licensees other than retail; and [**employment of minors 17 years of age as 18 years of age**] Child Labor Act).

§ 5.23. **Appointment of managers.**

(a) The operation of a licensed business requires a manager. A licensee shall appoint an individual as manager for each licensed establishment. The manager shall devote full time and attention to the licensed business and may not be employed or engaged in another business unless prior written approval is obtained from the Board.

(b) An individual licensee holding multiple licenses may designate himself as manager of only one licensed establishment. If a license is held by more than one individual, the manager may be one of the individuals or another person the licensee may designate.

(c) The manager appointed by a licensee shall be a reputable person. The licensee shall notify the Board in writing of the name and home address of the manager and the date and place of birth. If there is a change of

manager, the licensee shall give the Board written notice within 15 days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by the appropriate fee[.] as follows:

(1) When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, a total fee of \$135 will be assessed by the Board.

(2) If the designated manager is currently a Board-approved officer, member, partner or shareholder of that licensee, a fee of \$60 will be assessed by the Board.

(c.1) The appointed manager shall submit a criminal history record information check to the Board, under § 3.35 (relating to persons from whom criminal history record information checks are required).

(d) [When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, a total fee of \$135 will be assessed.] An individual may not act in the capacity of manager after the licensee has been notified that the individual has been disapproved by the Board. [The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior written approval is obtained from the Board. If the designated manager is currently a Board-approved officer, member, partner or shareholder of that licensee, a fee of \$60 will be assessed.]

(e) [Appointment or approval, or both,] Approval by the Board of a manager will not exempt the licensee from the penalties provided by law and this title for violations committed in the licensed establishment or in the course of the operation of the licensed business.

(f) The Board may rescind the approval of an appointment of a manager at any time for any cause which it deems sufficient.

(g) In the event of:

[illness] (1) Illness or extended vacation of a **[licensee] manager**, the Board may approve the appointment of a manager for a period not to exceed 30 days. In case of emergency, the approval may be extended upon written request of the licensee.

(2) Death of the licensee that leaves the licensed business without a manager, the surviving spouse or the decedent's personal representative shall, within 15 days of the death of the licensee, either appoint an individual as manager in accordance with this section or return the license to the Board to be held in safekeeping in accordance with § 7.31 (relating to surrender of licenses in certain cases).

(h) The licensee, without Board approval, may designate one of its employees as the person in charge of the business for a period of time not to exceed 15 calendar days, when the manager is absent from the licensed premises.

(i) A club manager or steward may engage in employment outside his duties as manager or steward except as provided in section 4-493(11) of the Liquor Code (47 P.S. § 4-493(11)).

(j) If approved by the Board, management contracts may permit the manager for the licensed premises to be employed by the management company; however, the licensee shall have unfettered discretion in all aspects of management of the licensed business, including the employment of the manager and sales of food, alcoholic and nonalcoholic beverages. The licensee's discretion includes control of the manager's hiring, firing, discipline, salary and duties. The manager is an agent of the licensee.

[Pa.B. Doc. No. 23-888. Filed for public inspection July 7, 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 27, 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>
06-21-2023	George E. Norcross, III Palm Beach Palm Beach County, FL Gregory B. Braca Palm Beach Palm Beach County, FL Philip A. Norcross Palm Beach Palm Beach County, FL Avery Conner Capital Trust Palm Beach Palm Beach County, FL	Filed
	Application for approval to solicit revocable proxies from more than 10% of the holders of the shares of common stock of Republic First Bancorp, Inc., Philadelphia, PA, and thereby indirectly acquire 10% or more of the voting control of Republic Bank, Philadelphia, PA.	

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-16-2023	Citizens Financial Services, Inc. Mansfield Tioga County	Effective
	Application for approval to acquire 100% of HV Bancorp, Inc., Huntingdon Valley, PA, and thereby indirectly acquire 100% of Huntingdon Valley Bank, Doylestown, PA.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-16-2023	First Citizens Community Bank Mansfield Tioga County	Effective
	Application for approval to merge Huntingdon Valley Bank, Doylestown, PA, with and into First Citizens Community Bank, Mansfield, PA.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-20-2023	CNB Bank Clearfield Clearfield County	160 Apron Road Hardy Franklin County, VA	Opened

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. 23-889. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Application of Penn View Bible Institute to Operate as a College****Notice of Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(a) (relating to certification of institutions), the Department of Education (Department) will consider the application of Penn View Bible Institute for a Certificate of Authority to operate as a college with authority to award the Bachelor of Arts degree in Biblical Studies.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in

accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-6786 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodations to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

DR. KHALID N. MUMIN,
Secretary

[Pa.B. Doc. No. 23-890. Filed for public inspection July 7, 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>
0215801	Joint DEP/PFBC Pesticides Permit	Renewal	Fields of Nicholson HOA 20475 Rte 19 Suite 4 Cranberry Twp, PA 16066	Franklin Park Borough Allegheny County	SWRO
1518814	Joint DEP/PFBC Pesticides Permit	Renewal	Dokas Paul 230 Fairview Road Glenmoore, PA 19343	Wallace Township Chester County	SERO
4613858	Joint DEP/PFBC Pesticides Permit	Renewal	Reserve at Penn Crossing P.O. Box 1925 Blue Bell, PA 19422	East Norriton Township Montgomery County	SERO
4618802	Joint DEP/PFBC Pesticides Permit	Renewal	Upper Gwynedd Township Montgomery County P.O. Box 1 West Point, PA 19486-0001	Upper Gwynedd Township Montgomery County	SERO
5623800	Joint DEP/PFBC Pesticides Permit	New	Vencill Jim & Carol 2867 Copper Kettle Highway Rockwood, PA 15557-7210	Milford Township Somerset County	SWRO
5813831A-1	Joint DEP/PFBC Pesticides Permit	Renewal	Forest Lake Cottage Owners Association 276 Road 3 Montrose, PA 18801-7544	Forest Lake Township Susquehanna County	NERO
6313808	Joint DEP/PFBC Pesticides Permit	Renewal	Meadow Lake Homeowners Assoc 317 Fieldbrook Drive Washington, PA 15301-8965	North Strabane Township Washington County	SWRO
6369406	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Peters Township Sanitary Authority Washington County 111 Bell Drive McMurray, PA 15317-3415	Peters Township Washington County	SWRO
5613200	Manure Storage and Wastewater Impoundments Individual WQM Permit	Amendment	Dividing Ridge Farm LLC 207 Dividing Ridge Road Fairhope, PA 15538-2040	Allegheny Township Somerset County	SWRO
1405201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Hanover Foods Corp 3008 Penns Valley Pike Centre Hall, PA 16828-8405	Potter Township Centre County	NCRO
1512408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	East Vincent Township Chester County 262 Ridge Road Spring City, PA 19475-2203	East Vincent Township Chester County	SERO
5899401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Monteforte Enterprises 1491 Oliver Road New Milford, PA 18834-7516	New Milford Township Susquehanna County	NERO
NNOEXNC57	No Exposure Certification	Renewal	Foam Fabricators Inc. 8722 E San Alberto Scottsdale, AZ 85258-4353	South Centre Township Columbia 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>
NOEXNE010	No Exposure Certification	Renewal	A Duie Pyle Inc. P.O. Box 564 650 Westtown Road West Chester, PA 19381	Hanover Township Lehigh County	NERO
NOEXNE014	No Exposure Certification	Renewal	Snap On Ind Brands 15 Bert Collins Drive Throop, PA 18512	Throop Borough Lackawanna County	NERO
NOEXNE052	No Exposure Certification	New	Advanced Recycling Technology 1139 Lehigh Avenue Whitehall, PA 18052-5518	Whitehall Township Lehigh County	NERO
NOEXNW050	No Exposure Certification	Renewal	Parker Hannifin Corp 8325 Hessinger Drive Erie, PA 16509-4679	Summit Township Erie County	NWRO
NOEXSC252	No Exposure Certification	Renewal	Arsenal Rd Logistics LLC 600 Arsenal Road York, PA 17405	Springettsbury Township York County	SCRO
NOEXSC403	No Exposure Certification	New	Reckitt Health 60 Central Boulevard Myerstown, PA 17067-9501	Bethel Township Berks County	SCRO
PAG032234	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Omnova North American Inc. 175 Ghent Road Akron, OH 44333	West Brunswick Township Schuylkill County	NERO
PAG032384	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Jack Rich Inc. 617 Altamont Boulevard Frackville, PA 17931-2411	West Mahanoy Township Schuylkill County	NERO
PAG032404	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Deer Park Lumber Inc. 3042 SR 6 Tunkhannock, PA 18657-7797	Tunkhannock Township Wyoming County	NERO
PAG033526	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	East Penn Ave LLC 677 Fair View Road P.O. Box 80818 Simpsonville, SC 29680	Heidelberg Township Berks County	SCRO
PAG033612	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Susquehanna Area Region Airport Authority 1 Terminal Drive Suite 300 Middletown, PA 17057	Cumberland Township Adams County	SCRO
PAG034035	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Dayton Parts LLC 1300 N Cameron Street Harrisburg, PA 17103-1010	Harrisburg City Dauphin County	SCRO
PAG034036	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Frito-Lay Inc. 3553 Gillespie Drive York, PA 17404-5803	West Manchester Township York County	SCRO
PAG034037	PAG-03 NPDES General Permit for Industrial Stormwater	New	Bwise Trailers 1002 Wayne Avenue Chambersburg, PA 17201-2999	Chambersburg Borough Franklin County	SCRO
PAG034052	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Clark Joseph H 243 Chevrolet Drive East Freedom, PA 16637-8201	Freedom Township Blair County	SCRO
PAG035034	PAG-03 NPDES General Permit for Industrial Stormwater	New	UFP Parker LLC 2801 E Beltline Avenue NE Grand Rapids, MI 49525-9680	DuBois City Clearfield County	NCRO

NOTICES

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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>
PAG036102	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lindy Paving Inc. 1807 Shenango Road New Galilee, PA 16141-2241	Lower Burrell City Westmoreland County	SWRO
PAG036112	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	EDPO LLC 2719 Walton Street P.O. Box 669 Philipsburg, PA 16866-8517	Northern Cambria Borough Cambria County	SWRO
PAG036182	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Wood Waste Recycling LLC 111 Kelso Road McDonald, PA 15057	Collier Township Allegheny County	SWRO
PAG036185	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	U Pull & Pay LLC 300 Pike Street Cincinnati, OH 45202	Penn Hills Township Allegheny County	SWRO
PAG036293	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Norfolk Southern Railway Co. 650 W Peachtree Street NW Atlanta, GA 30308-1925	Johnstown City Cambria County	SWRO
PAG036294	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Norfolk Southern Railway Co. 650 W Peachtree Street NW Box 13 Atlanta, GA 30308-1925	Waynesburg Borough Greene County	SWRO
PAG036304	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Bullskin Tipple Co. 4325 State Route 51 Belle Vernon, PA 15012	Connellsville Township Fayette County	SWRO
PAG036344	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Hansen Engineering Inc. 167 Laidleys Run Road West Alexander, PA 15376-2246	West Finley Township Washington County	SWRO
PAG036444	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	McCutcheon Enterprises Inc. 250 Park Road Apollo, PA 15613-8730	Allegheny Township Westmoreland County	SWRO
PAG036445	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Industrial Recovery LLC P.O. Box 68 Uniontown, PA 15401-0068	Uniontown City Fayette County	SWRO
PAG036517	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	D & D Auto Salvage LLC 6375 AVRR Pittsburgh, PA 15206-2113	Pittsburgh City Allegheny County	SWRO
PAG036519	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	D & D Auto Salvage LLC 6375 AVRR Pittsburgh, PA 15201-2124	Fawn Township Allegheny County	SWRO
PAG036538	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	ACE Auto Wrecking Inc. 4550 Verona Road Verona, PA 15147-1733	Penn Hills Township Allegheny County	SWRO
PAG036544	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ramsey Garage & Excav 1392 Darlington Road Ligonier, PA 15658-3526	Ligonier Township Westmoreland County	SWRO
PAG038340	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Cactus Wellhead LLC 194 Aviation Way Reynoldsville, PA 15851-8188	Reynoldsville Borough Jefferson 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>
PAG038445	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Altium Pkg LLC 15 Mineral Street Oil City, PA 16301-3244	Oil City Venango County	NWRO
PAG038477	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Erie Bronze & Alum Co. 6300 W Ridge Road Erie, PA 16506-1021	Fairview Township Erie County	NWRO
6723405	Pump Stations Individual WQM Permit	New	PA American Water Co. 852 Wesley Dr. Mechanicsburg, PA 17055	Fairview Township York County	SCRO
09058-S	Pump Stations Individual WQM Permit	Amendment	Lower Burrell City Municipal Authority 2800 Bethel Street Lower Burrell, PA 15068-3227	Lower Burrell City Westmoreland County	SWRO
1123401	Sewer Extensions Individual WQM Permit	New	Highland Sewer & Water Authority 120 Tank Drive Johnstown, PA 15904-3251	Richland Township Cambria County	SWRO
PA0240214	Single Residence STP Individual NPDES Permit	Transfer	Burick Corey 7673 E Lake Road Erie, PA 16511-1646	Harborcreek Township Erie County	NWRO
PA0284874	Single Residence STP Individual NPDES Permit	Transfer	Invision Customized Svcs 12450 Perry Highway Wexford, PA 15090-7387	Union Township Washington County	SWRO
0623403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Cartmell William & Lindsay 112 Powder Mill Hollow Road Boyertown, PA 19512-8677	Colebrookdale Township Berks County	SCRO
2508404	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Burick Corey 7673 E Lake Road Erie, PA 16511-1646	Harborcreek Township Erie County	NWRO
6322401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Invision Customized Svcs 12450 Perry Highway Wexford, PA 15090-7387	Union Township Washington County	SWRO
6723406	Small Flow Treatment Facility Individual WQM Permit	New	Knaub Marlin 802 Old Quaker Road Lewisberry, PA 17339-9207	Fairview Township York County	SCRO

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

PA0240176, Sewage, SIC Code 4952, 8811, **Gene A Strick**, 641 Clermont Road, Mount Jewett, PA 16740-2213. Facility Name: Gene A Strick SRSTP. This existing facility is located in Hamlin Township, **McKean 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), Warner Brook (HQ-CWF), is located in State Water Plan watershed 16-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	XXX	XXX	9.0

<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>	
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265179, Sewage, SIC Code 8800, **Brian Ayers**, 810 Old State Road, Russell, PA 16345. Facility Name: Brian Ayers 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, an Unnamed Tributary to the Conewango Creek (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

PA0293270, Sewage, SIC Code 8800, **Dana N Kuhn**, 9580 Route 6N, Albion, PA 16401-8214. Facility Name: Dana Kuhn SRSTP. This proposed facility is located in Elk Creek 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 of Temple 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 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0293288, Sewage, SIC Code 8800, **Alan & Elaine Hemstreet**, 9089 Griffey Road, Albion, PA 16401-7905. Facility Name: Alan & Elaine Hemstreet SRSTP. This proposed facility is located in Conneaut 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 Ashtabula Creek (WWF), is located in State Water Plan watershed 15-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0030643, Sewage, SIC Code 4952, **Shippensburg Borough**, 111 N Fayette Street, Shippensburg, PA 17257-1101. Facility Name: Shippensburg Borough STP. This existing facility is located in Shippensburg Borough, **Cumberland 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), Middle Spring Creek (CWF) and Middle Spring Creek (CWF, MF), is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.95 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
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	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,032	1,651	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	1,238	1,857	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Ammonia-Nitrogen	260	XXX	XXX	6.3	XXX	12.6
Nov 1 - Apr 30						
May 1 - Oct 31	86	XXX	XXX	2.1	XXX	4.2

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	20.6	XXX	XXX	0.5	XXX	1
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Copper, Total	Report	Daily Max	XXX	Report	Daily Max	XXX
		Report			Report	
Iron, Dissolved	Report	Daily Max	XXX	Report	Daily Max	XXX
		Report			Report	
Iron, Total	Report	Daily Max	XXX	Report	Daily Max	XXX
		Report			Report	
Zinc, Total	Report	Daily Max	XXX	Report	Daily Max	XXX
		Report			Report	

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	60,273 Total	XXX	XXX	XXX	XXX
Effluent Net		Annual				
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Annual	XXX	XXX	XXX	XXX
		Report				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Annual	XXX	XXX	XXX	XXX
		Report				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Annual	XXX	XXX	XXX	XXX
		Report				
Effluent Net		Annual				

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

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0050458, Sewage, SIC Code 4952, **Aqua PA Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402. Facility Name: Culbertson Run WWTP. This existing facility is located in East Brandywine Township, **Chester 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, Culbertson Run (HQ-TSF, MF), is located in State Water Plan watershed 3-H and is classified for Migratory Fishes and 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 .053 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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 .053 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Daily Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.4
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	5.86	XXX	XXX	13.2	XXX	26.4
Nov 1 - Apr 30						
May 1 - Oct 31	2.93	XXX	XXX	6.6	XXX	13.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	5.86	XXX	XXX	20.0	XXX	40
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 transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	6.63	XXX	XXX	15.0	XXX	XXX
Ammonia-Nitrogen	2.64	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30						
May 1 - Oct 31	0.88	XXX	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.29	XXX	XXX	0.66	XXX	1.32

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

- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Public Sewers Become Available
- Chlorine Minimization
- Small Stream Discharge
- Fecal Coliform Reporting
- Operator Notification
- Maximize Surface Disposal System
- Operation and Maintenance Plan
- 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 not in effect.

Southeast Regional Office

PA0244937, Storm Water, SIC Code 3273, **A Marinelli & Sons Inc.**, 405 North Walnut Street, West Chester, PA 19380. Facility Name: A Marinelli & Sons. This existing facility is located in Upper Darby Township, **Delaware County**.

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

The receiving stream(s), Naylor's Run (WWF, MF), is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50	100	100
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		
Aluminum, Total	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		
Iron, Total	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		
				Avg Qrtly		

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

PA0092274, Sewage, SIC Code 4952, **Unity Township Municipal Authority, Westmoreland County**, 370 Pleasant Unity Mutual Road, Greensburg, PA 15601-6388. Facility Name: Pleasant Unity STP. This existing facility is located in Unity Township, **Westmoreland 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 of Sewickley Creek (HQ-CWF), is located in State Water Plan watershed 19-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Daily Max	XXX	Report	Daily Max	XXX
		Report			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Copper, Total (ug/L)	0.074	0.11	XXX	9.36	14.0	14
Zinc, Total (ug/L)	0.95	Daily Max	XXX	120.0	Daily Max	120
		0.95			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 7.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	75.0	115.0	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	75.0	115.0	XXX	10.0	15.0	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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	20.0	XXX	XXX	2.62	XXX	5.24
Nov 1 - Apr 30						
May 1 - Oct 31	11.0	XXX	XXX	1.5	XXX	3
Total Phosphorus	23.0	35.0	XXX	3.0	4.5	6
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

Daily Max

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0096342 A-1, Sewage, SIC Code 4952, **Fairchance-Georges Joint Municipal Sewage Authority**, 141 Big Six Road, Smithfield, PA 15478-1601. Facility Name: Fairchance-Georges STP. This existing facility is located in Georges Township, **Fayette County**.

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

The receiving stream(s), Georges Creek (WWF), is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Maximum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Maximum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	260	385	XXX	21.0	31.0	42
Nov 1 - Apr 30						
May 1 - Oct 31	175	260	XXX	14.0	21.0	28

Parameters	Mass Units (lbs/day)		Instantaneous Maximum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	310	465	XXX	25.0	37.0	50
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	45.28	XXX	XXX	3.62	XXX	7.24
Nov 1 - Apr 30						
May 1 - Oct 31	25.27	XXX	XXX	2.02	XXX	4.04
Boron, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Cyanide, Free (ug/L)	0.054	0.084	XXX	4.29	6.69	10.7
		Daily Max			Daily Max	
Iron, Dissolved (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	

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 not in effect.

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

Southeast Regional Office

Applicant: **AQ Development, LLC & 1241 West Bridge Street Development, LLC**

Applicant Address: 206 Old Lancaster Road, Devon, PA 19333-1442

Application Number: **PAD150292**

Application Type: New

Municipality/County: Spring City Borough, **Chester County**

Total Earth Disturbance Area (acres): 47.11 acres

Surface Waters Receiving Stormwater Discharges: Schuylkill River (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: An 86-lot subdivision with three infiltration basins and one subsurface basin is proposed for development.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Brinley Court, LLC**

Applicant Address: 2312 N. Broad St., Colmar, PA 18915

Application Number: **PAD390072**

Application Type: Renewal

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

Total Earth Disturbance Area (acres): 38 acres

Surface Waters Receiving Stormwater Discharges: Laurel Run—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 217 Townhouses with Related Site Improvements

Special Conditions: N/A

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

Northwest Regional Office

Applicant: **RIDC**

Applicant Address: 611 William Penn Place, Pittsburgh, PA 15219

Application Number: **PA030001D**

Application Type: New

Municipality/County: South Buffalo Township, **Armstrong County**

Total Earth Disturbance Area (acres): 9.65 acres

Surface Waters Receiving Stormwater Discharges: Pine Run HQ TSF

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

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

Project Description: Construction of two (2) new 30,000 SF office/light industrial buildings with associated hard scaping, landscaping, etc.

Special Conditions: **IX. Other requirements** A. *Cessation of Earth Disturbance Activities.* The permittee shall cease earth disturbance activities resulting in stormwater discharges during construction upon written notification from DEP/CCD in the form of an order or inspection report and may not resume such activities until authorized to do so by DEP/CCD. DEP/CCD may require cessation of earth disturbance activities where required plans are not in place, where plans are significantly deficient and could result in environmental harm, or where potential or actual harm is identified during on-site inspections. B. *Compliance and Enforcement.* 1. A person aggrieved by an action of a CCD shall request an informal hearing with DEP within 30 days following the notice of the action. DEP will schedule the informal hearing and make a final determination within 30 days of the request. Any final determination by DEP under the informal hearing may be appealed to the Environmental Hearing Board (EHB) in accordance with established administrative and judicial procedures. (25 Pa. Code § 102.32(c)) 2. For enforcement action taken under this permit, DEP/CCD may collect or recover, from the responsible party, costs and expenses involved in taking enforcement action and initiating cost recovery actions. DEP/CCD may collect the amount in the same manner as civil penalties are collected under section 605 of The Clean Streams Law (35 P.S. § 691.605). (25 Pa. Code § 102.32(d)) C. *Waste Management.* The permittee shall handle, recycle and/or dispose of collected screenings, slurries, sludges, and other solids in compliance with State and Federal law, including the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), 25 Pa. Code Chapters 287—289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), 40 CFR Part 257 (relating to criteria for classification of solid waste disposal facilities and practices), The Clean Streams Law, and the Clean Water Act. D. *Non-Stormwater Discharges.* Except as set forth in Part C I.B of this permit, non-stormwater discharges are not authorized under this permit. The permittee shall cease any non-stormwater discharge upon receipt of written notification from DEP/CCD that the discharge is not authorized under the permit. E. *Off-Site Support Activities.* The permittee may utilize only those off-site support activities meeting the following criteria: 1. The off-site support activities have been identified in the application. 2. If the off-site support activities have not been identified in the application, the permittee has notified DEP/CCD of the identification of the off-site support activities, and DEP/CCD has approved a minor amendment of the permittee's coverage under this permit. 3. A written E&S Plan has been developed for the off-site support activities if earth disturbance is greater than or equal to 5,000 square feet, and E&S BMPs are implemented and maintained. The permittee shall submit a copy of the E&S Plan, if applicable, to DEP/CCD upon request. F. *Discharges to Non-Surface Waters.* The permittee shall ensure that E&S and PCSM BMPs are installed and maintained for all discharges to non-surface waters, including but not limited to swales, ditches, and the ground surface. G. *Corrective Action.* 1. The permittee shall identify all deficiencies in E&S or PCSM Plan implementation on Visual Site Inspection Reports and document the corrective action that will be taken to mitigate the deficiency. 2. The permittee shall implement corrective action immediately upon becoming aware of any deficiency that results in an incident causing or threatening pollution to waters of the Commonwealth, and shall notify DEP in accordance with Part A III.D.1 of this permit. For all other deficiencies, the permittee shall implement corrective action as soon as possible but no later than seven (7) days following identification of the deficiency, unless otherwise approved by DEP/CCD. H. *Archaeological Specimens.* The permittee and its agents shall visually inspect for

archaeological specimens, as the term is defined in the Pennsylvania State History Code (37 Pa.C.S.A. §§ 101 et seq.), during earth disturbance activities, and shall immediately cease earth disturbance activities upon discovery of archaeological specimens. Upon discovery the permittee shall immediately notify DEP/CCD and the Pennsylvania Historical and Museum Commission (PHMC) (Phone: (717) 783-8947). I. *Threatened and Endangered Species Protection*. 1. If applicable, the permittee shall comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect State or Federal threatened and endangered species. 2. If any potential impact to Federal or State threatened or endangered species is identified on the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee shall implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to resolve potential species impacts and ensure compliance with applicable Federal and State laws pertaining to the protection of Federal or state threatened and endangered species. 3. When conducting earth disturbance activities, the permittee has a continuing obligation to ensure compliance with applicable Federal and State laws pertaining to the protection of Federal or State threatened and endangered species. J. *Wetland Protection*. If hydric soils or other wetland features are present on the project site, the permittee shall conduct a wetland determination in accordance with DEP procedures. A copy of that wetland determination must be provided to DEP/CCD as an attachment to the application, and all wetlands must be identified on the E&S Plan and PCSM Plan. Special precautions must be taken to protect wetlands and other water resources identified in the application, plans, and other supporting documents during earth disturbance activities. K. *Infiltration BMPs*. Where infiltration BMPs are being utilized, the permittee and co-permittee must ensure that soil compaction is avoided or minimized in those areas. If the areas planned for infiltration BMPs are compromised through compaction or other means, additional soil testing must be performed to verify that the BMP will perform as planned. L. *Antidegradation Requirements*. The permittee shall implement a non-discharge alternative and/or the ABACT E&S and PCSM BMPs identified in Antidegradation Analysis Module 3 (3800-PM-BCW0406c) and the approved E&S and PCSM Plans to satisfy antidegradation implementation requirements of 25 Pa. Code §§ 93.4c, 102.4(b)(6) and 102.8(h).

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

Northeast Regional Office

Applicant: **Snehal, LLC**

Applicant Address: 1242 Hamlin Highway, Lake Ariel, PA 18436

Application Number: **PAD640040**

Application Type: New

Municipality/County: Salem Township, **Wayne County**

Total Earth Disturbance Area (acres): 1.47 acres

Surface Waters Receiving Stormwater Discharges: Ariel Creek (HQ-CWF, MF)

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

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

Project Description: The project involves demolition of existing buildings and construction of a new convenient store with fuel pumps, parking area, utilities, and 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.

Southcentral Regional Office

Applicant: **PPL Electric Utilities Corporation**

Applicant Address: 1639 Church Road, Allentown, PA 18104-9342

Application Number: **PAD360103**

Application Type: New

Municipality/County: Heidelberg Township, Penn Township, and Elizabeth Township, **Lebanon County** and **Lancaster County**

Total Earth Disturbance Area (acres): 135.40 acres

Surface Waters Receiving Stormwater Discharges: Chiques Creek- WWF; MF, Hammer Creek-HQ-CWF; MF, Furnace 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: PPL EU Corporation intends to rebuild the existing transmission line. The line traverses 10.30 miles through residential, forested, meadow, agricultural and utility areas.

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: **Shalamar Investments LP**

Applicant Address: 171 Manhasset Drive, Port Matilda, PA 16870

Application Number: **PAD440023**

Application Type: New

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

Total Earth Disturbance Area (acres): 17.00 acres

Surface Waters Receiving Stormwater Discharges: Laurel 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: 137 unit residential complex and associated PCSM BMPs

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: **419 Point Partners, LLC**

Applicant Address: 1737 W. Main Street, Ephrata, PA 17522

Application Number: **PAD380026**

Application Type: New

Municipality/County: West Cornwall Township, **Lebanon County**

Total Earth Disturbance Area (acres): 10.59 acres

Surface Waters Receiving Stormwater Discharges: Beck Creek (TSF, MF) and UNT to Snitz Creek (TSF, MF) via EV Wetlands.

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

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

Project Description: Construct 5 apartment buildings (Total 104 units), clubhouse, parking, access drive, and PCSM Facilities

Special Conditions: N/A

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

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received

within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Daryl Martin—Layer Farm 204 Farmers Lane Myerstown, PA 17067	Lebanon County	25	292.76	Layers	NA	Renewal
Ryan Rutt 524 North Garfield Road Bernville, PA 19506	Berks County	200	1,024.16	Poultry, Swine	NA	Renewal
Linford Snyder 118 Luxemburg Road Lykens, PA 17048	Dauphin County	21.3	1,448	Poultry (Layer)	NA	Renewal
Marlin Peachey 328 Coffee Run Road Reedsville, PA 17084	Mifflin County	121.2	797.88	Swine, Beef Cow	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Application No. 4723502, Construction, Public Water Supply.

Applicant	Pennsylvania Department of Transportation
Address	400 North Street 6th Floor Harrisburg, PA 17105
Municipality	Liberty Township
County	Montour County
Responsible Official	Richard E. Heineman 400 North Street 6th Floor Harrisburg, PA 16803
Consulting Engineer	Patrick Ward 2009 North Atherton Street State College, PA 17105
Application Received	June 20, 2023
Description	PennDOT Interstate 80 Stop 35 Eastbound water system rehabilitation project: addition of Greensand Plus Filtration system to control iron and manganese levels of finished water.

Application No. 5723503, Construction, Public Water Supply.

Applicant **Red Rock Job Corps**
 Address Route 487
 North Lopez, PA 18628
 Municipality Colley Township
 County **Sullivan County**
 Responsible Official Eric Peters
 235 West Foot Hills Drive
 Drums, PA 18222
 Consulting Engineer John G. Synoski, P.E.
 2584 Christine Road
 Hazle Township, PA 18202
 Application Received June 23, 2023
 Description Maintenance of 89,000 tank.

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

Contact: Ryan Fox, E.I.T., 570-826-2533.

Application No. 2359008, Operation, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Dr.
 Mechanicsburg, PA 17055
 Municipality Roaring Brook Township
 County **Lackawanna County**
 Responsible Official Bruce Aiton
 852 Wesley Dr.
 Mechanicsburg, PA 17055
 Consulting Engineer Maureen Coleman, P.E.
 2699 Stafford Ave
 Scranton, PA 18505
 Application Received February 24, 2023
 Description Updated Operations permit issued to PAWC Lake Scranton for a turbidimeter replacement project.

Application No. 5223504, Amendment, Public Water Supply.

Applicant **AQUA Pennsylvania, Inc.**
 Address 1 Aqua Way
 White Haven, PA 18661
 Municipality Lackawaxen Township
 County **Pike County**
 Responsible Official Daniel Highhouse
 1 Aqua Way
 White Haven, PA 18661
 Consulting Engineer Michael Bisignani, P.E.
 298 East 5th St.
 Suite 1
 Bloomsburg, PA 17815
 Application Received May 5, 2023
 Description Addition of a new bulk water hauling source to combat future water shortage issues within the system.

Contact: Ryan Fox, E.I.T., 570-826-2533.

Application No. 3130053, Transfer, Public Water Supply.

Applicant **SR Water, LLC**
 Address P.O. Box 657
 Lake Harmony, PA 18624-0567
 Municipality Kidder Township
 County **Carbon County**
 Responsible Official Carlos Padilla
 P.O. Box 657
 Lake Harmony, PA 18624
 Application Received February 21, 2023
 Description Transfer permit issued to new owner of the Split Rock Resort Water System. All previously permitted facilities are included in this transfer permit.

Contact: Ryan Fox, E.I.T., 570-826-2533.

Application No. 3923507, Construction, Public Water Supply.

Applicant **Blue Triton Brands, Inc.**
 Address 305 Nestle Way
 Breinigsville, PA 18066
 Municipality Lynn Township
 County **Lehigh County**
 Responsible Official Thomas Strowe
 305 Nestle Way
 Breinigsville, PA 18066
 Consulting Engineer Mark Pickering, P.E.
 225 Grandview Ave
 Suite 403
 Camp Hill, PA 17011
 Application Received May 24, 2023
 Description Blue Triton Brands, Inc. Hoffman Springs Booster Pump Replacement Project.

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

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

Application No. 6223503, Construction, Public Water Supply.

Applicant **North Warren Municipal Authority**
 Address 44 Hospital Drive
 Warren, PA 16365
 Municipality Conewango Township
 County **Warren County**
 Responsible Official D. Melvin Jacobson, Chairman
 North Warren Municipal Authority
 44 Hospital Drive
 Warren, PA 16365
 Consulting Engineer Tyler M. McGraw, P.E.
 Stiffler McGraw & Assoc, Inc.
 1731 N. Juniata Street
 Hollidaysburg, PA 16648
 Application Received June 26, 2023

Description Hillcrest Drive Water Line Replacement Project—Water Line Extension; Distribution Line Replacement; Decommission Pump Station.

MINOR AMENDMENT

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

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. 3623513 MA, Construction, Minor Amendment, Public Water Supply.

Applicant Manheim Area Water and Sewer Authority
Address 18 East High Street
 Manheim, PA 17545
Municipality Manheim Borough
County Lancaster County
Responsible Official Charles Heisey
 18 East High Street
 Manheim, PA 17545
Consulting Engineer Utility Service Co., Inc.
 Jason Saylor, P.E.
 1230 Peachtree Street NE
 Suite 1100, 11th Floor
 Atlanta, GA 30309
Application Received March 20, 2023
Description This application is for the rehabilitation of a 2.0-million-gallon finished water storage tank. The application was withdrawn on June 1, 2023.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a de-

scription of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

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

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

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

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

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

Contact: Eric Supey, Environmental Program Manager.

WR 64 Fiondi Pad, Primary Facility ID # **863086**, 916 Lane Road, Montrose, PA 18801, Middletown Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801 on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of servicing fluid used in the well cleanout process. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on June 7, 2023. Application received: June 19, 2023.

Caprio (07-077) Well Pad, Primary Facility ID # **831659**, 656 Abell Road, Little Meadows, PA 18830, Apolacon Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801 on behalf of Repsol Oil and Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of production fluid (brine). The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on May 31, 2023. Application received: June 20, 2023.

Dingman-Delaware Elementary School, Primary Facility ID # **836164**, 1355 PA 739, Dingmans Ferry, PA 18328, Dingman Township, **Pike County**. Terraphase

Engineering, 252 West Swamp Road, Suite 35, Doylestown, PA 18901 on behalf of Delaware Valley School District, 236 Route 6 & 209, Milford, PA 18337, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with heating oil from an underground storage tank. The Notice of Intent to Remediate was published in *The Pike County Courier* on June 16, 2023. Application received: June 23, 2023.

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

Contact: Chris, 724-598-2206.

351 East Jamestown Road Spill Site, Primary Facility ID # **867422**, 351 East Jamestown Road, Greenville, PA 16125, West Salem Township, **Mercer County**. Insite Group, Inc., 611 S Irvine Ave, Sharon, PA 16146 on behalf of JY Prado Transport Corporation, 4292 Colt Lane, West Palm Beach, FL 33406, submitted a Notice of Intent to Remediate. Following a vehicular accident, approximately 100—200 gallons of diesel fuel was released from the saddle tanks of a truck owned by JY Prado Transport. The spill occurred over an area 70 feet long by 40 feet wide. The future use of the property will remain residential. Contaminants of concern include, benzene, ethylbenzene, toluene, cumene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene, naphthalene and MTBE. Soil is the media of concern. The Notice of Intent to Remediate was published in *Greenville Newspapers, Inc.* on June 7, 2023. Application received: June 14, 2023.

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

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

Former Bunting Oil, Primary Facility ID # **867545**, 451-471 Juliette Avenue, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Brook Farms Development III, LLC, 259 Brook Farms Road, Lancaster, PA 17601-5507, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil & groundwater contaminated with solvents & petroleum hydrocarbons. The site will be remediated to the Statewide health and site-specific standards. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *LNP* on May 30, 2023. Application received: June 6, 2023.

202 Queen Street Apartments, Primary Facility ID # **867353**, 202 North Queen Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Berger Development, 950 West Valley Road, Suite 2500, Wayne, PA 19087, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil & groundwater contaminated with leaded gasoline. The site will be remediated to the Statewide health and site-specific standards. Future use of the site will be both residential and nonresidential. The Notice of Intent to Remediate was published in *LNP* on May 30, 2023. Application received: June 6, 2023.

30 West Ridge Road, Primary Facility ID # **867427**, 30 West Ridge Road, Palmyra, PA 17078-1139, Palmyra Borough, **Lebanon County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of Mr. Gary Laudermilch, 30 West Ridge Road, Palmyra, PA 17078-1139, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil

contaminated with used motor oil. The site will be remediated to the Statewide health standard. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Sun* on May 31, 2023. Application received: June 6, 2023.

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

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

Highland Tank, Primary Facility ID # **867282**, 1 Highland Road, Stoystown, PA 15563, Quemahoning Township, **Somerset County**. Keystone Environmental Health & Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16601 on behalf of Highland Tank, 4535 Elizabeth Road, Manheim, PA 17545, submitted a Notice of Intent to Remediate. During a routine system upgrade for the onsite heating system for the facility, some of the piping was installed incorrectly. This caused a loss of approximately 2,000 gallons of heating oil into the soil and groundwater surrounding at the site. Keystone Environmental Health and Safety Services Inc. (KEHS) has already been on-site in order to characterize the extent of contamination remaining after emergency response/clean-up services were provided by McCutcheon Enterprises Inc. Through characterization KEHS installed four monitoring wells, 16 soil borings, and sampled the nearby stream which runs adjacent to the property. The intended future use of the property is to remain as a Highland Tank manufacturing facility, beyond this, the site is intended to remain as an industrial facility. The Notice of Intent to Remediate was published in *the Tribune-Democrat* on June 8, 2023. Application received: June 8, 2023.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGR123SW056, EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Jackson Township, **Greene County**. An application was received to modify the Preparedness, Prevention, and Contingency (PPC) and Waste Acceptance Plans under General Permit No. WMGR123SW056. Application received: June 1, 2023. Deemed administratively complete: June 15, 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.

WMGR123SW056, EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Jackson

Township, **Greene County**. An application was received to modify the Radiation Action Plan under General Permit No. WMGR123SW056. Application received: June 1, 2023. Deemed administratively complete: June 15, 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.

603455. Liberty Soils, LLC, 411 NW Park Avenue, Suite 401, Portland, OR 97209, Reilly Township, **Schuylkill County**. An application for permit renewal for the continued operation of a municipal waste biosolids processing facility. Application received: June 19, 2023. Deemed administratively complete: June 26, 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.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

New Applications Received

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

Contact: Jonathan Adams.

Maxwell Transport, Inc., 455 Struble Road, State College, PA 16801. **License No. PA-AH 0935**. Accepted: April 5, 2023.

Renewal Applications Received

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

Contact: Jonathan Adams.

Quality Carriers, Inc., 102 Pickering Way, Exton, PA 19341. **License No. PA-AH 0630**. Accepted: May 31, 2023.

Environmental Waste Minimization, Inc., 14 Brick Kiln Ct, Northampton, PA 18067. **License No. PA-AH 0682**. Accepted: May 25, 2023.

Moran Environmental Recovery LLC, 75D York Ave, Randolph, MA 02368. **License No. PA-AH 0744**. Accepted: June 6, 2023.

Sessler Environmental Services LLC, 1330 Research Forest, Macedon, NY 14502. **License No. PA-AH 0889**. Accepted: June 12, 2023.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid

otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

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

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

Contact: Raymond Kempa, Environmental Group Manager.

13-00003B: Panther Creek Power Operating LLC, 4 Dennison Road, Nesquehoning, PA 18240, Nesquehoning Borough, **Carbon County**. Application received: June 15, 2023.

To allow the two existing Panther Creek Power Operating, LLC (Panther Creek) circulating fluidized bed (CFB) combustors (Pyropower Unit # 1, Source 031 and Pyropower Unit # 2, Source 032), which are both currently permitted to combust culm and No. 2 fuel oil, to also combust tire derived fuel (TDF) as a supplemental fuel up to 15% by weight on a monthly basis.

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

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

25-00066K: Accuride Erie L.P., 1015 East 12th Street, Erie, PA 16503, City of Erie, **Erie County**. Application received: April 21, 2023.

The Department has received this plan approval application for the construction and initial operation of a new surface coating process and associated regenerative thermal oxidizer control device at their facility.

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.

36-05106C: Premier Custom Built, Inc., 110 Short Street, New Holland, PA 17557, East Earl Township,

Lancaster County. Application received: April 24, 2023. For the installation of a spray booth at their cabinet manufacturing facility. Plan Approval No. 36-05106C is for the installation of a Global Finishing Solutions model DFECG-120815-NSB-SD-SP-FW fully enclosed spray booth. The booth will have an airflow of 9,600 scfm and will be controlled by dry panel filters. Coatings will be applied using HVLP guns that will ensure a high transfer efficiency. Additionally, the booth will be equipped with a 0.7857 mmBtu/hr natural gas direct fired make-up air unit. Projected actual emissions from the new booth are estimated to be 0.04 tpy NO_x, 0.03 tpy CO, 3.99 tpy VOC, 0.93 tpy of a single HAP (xylene), 1.75 tpy combined HAPs. Potential emissions will not change since the facility is currently limited to 50 tpy VOC, 10 tpy of a single hazardous air pollutant (HAP) and 25 tpy of combined HAPs. 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, 127.12, 129.52 and 129.101—129.107. 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 will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

09-0187B: Simsmetal East LLC/Morrisville, 300 Steel Road South, Morrisville, PA 19067, Falls Township, **Bucks County**. Application received: December 16, 2022. For the installation of emission control equipment to reduce VOC emissions from an existing metal shredder operation at the existing facility. The proposed capture and control equipment include a cyclone and venturi scrubber for particulate matter control, a regenerative thermal oxidizer for VOC control, and an acid gas scrubber on the exhaust from the RTO to reduce HAP emissions including HCl. The proposal includes two permanent total enclosure hoods. The plan approval includes monitoring and recordkeeping of parameters associated with proper operation of each control device, and testing to determine PM, VOC, and HAP emissions and control device efficiencies, as applicable. The plan approval includes facility-wide VOC and HAP emission limits in order to cap emissions below major source levels for the Southeast Region. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person 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.

30-00816: Perennial Energy CMM Pennsylvania, LLC, 1375 County Road 8690, West Plains, MO 65775,

Wayne Township, **Greene County**. Application received: April 25, 2023. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue a modification to the natural minor State-Only Operating Permit to Perennial Energy CMM Pennsylvania, LLC's mine methane flaring site located off of Phillips Ridge Road in Hanover Township, Washington County. The coordinates of this facility are 39.795526, -80.245867. Air contamination sources at the facility consist of one (1) Perennial 18.8 MMBtu/hr enclosed flare. The facility-wide potential-to-emit is 6.59 TPY NO_x, 19.52 TPY CO, 0.59 TPY VOC, 0.02 TPY total HAP, 0.02 TPY of any single HAP, 0.62 TPY PM/PM₁₀, and 10,424 TPY CO_{2e}. The proposed change removes the requirement for third-party sampling of the inlet gas stream, though a third-party accredited laboratory is required for the analysis of the sample. Those who wish to provide the Department with additional written information that they believe should be considered prior to the modification of the natural minor 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. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (30-00816) and concise statements regarding the relevancy of the information or objections to the modification of the Operating Permit. A public hearing may be held, if the Department, 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 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. All comments must be received prior to the close of business 30 days after the date of this publication. The application, DEP's review memorandum, and the proposed modified 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>.

PA-11-00536A: CPV Fairview, LLC, 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184, Jackson Township, **Cambria County**. Application received: April 12, 2022. Pursuant to 25 Pa. Code §§ 127.44—127.46 for intent to issue a modification to the Air Quality plan approval for the CPV Fairview Energy Center ("facility"), a combined-cycle electric generating station located at 2862 William Penn Avenue, Johnstown, PA 15909, a Title V facility in Jackson Township, Cambria County. The proposed modification includes a change in the calculation method of annual formaldehyde emissions from the two (2) combustion turbines and a resulting increase in the annual emission limit. Additional changes to the plan approval include clarification of stack testing requirements for the combustion turbines. The permittee is proposing a modification of Section E; Source Group Name: EGUS, Condition # 009, to allow for a conditional delay of the requirement to complete ethane blend stack testing every two years if the facility hasn't fired the fuel since the previous required stack test. The permittee also seeks to clarify Condition # 009 to specify the testing

requirements associated with the two operating modes (duct fired and unfired). The facility-wide net increases in potential to emit (PTE) associated with the proposed modification will not exceed 6.72 tons of formaldehyde and 6.78 tons of total hazardous air pollutants per year. The change in emissions at the facility is such that it does not trigger the requirements of 40 CFR 52.21 related to Prevention of Significant Deterioration (PSD), or those of 25 Pa. Code Chapter 127, Subchapter E related to Nonattainment New Source Review (NSR). The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To schedule an appointment to review the Air Quality plan approval application or proposed Air Quality plan approval, or to receive an electronic copy of the Department's Air Quality review memorandum or the proposed Air Quality plan approval for the proposed project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000. A person may oppose the proposed Air Quality plan approval modification by filing a written protest with the Department or may submit written comments through Nicholas J. Waryanka, P.E., Air Quality Engineer, via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; via email to nwaryanka@pa.gov; or via fax to 412.442.4194. Each protest and set of written comments must contain the name, address, and telephone number of the person submitting the protest or comments, identification of the proposed plan approval (PA-11-00536A) and a concise statement of the objections to plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A public hearing may be held, if the Department, in its discretion, determines 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 determines such notification is sufficient. Written requests for a public hearing should be directed to Sheri Guerrieri, P.E., New Source Review Chief, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or via email to shguerrieri@pa.gov.

OPERATING PERMITS

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

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

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

28-05002, US Dept. of Defense, Letterkenny Army Depot, 1 Overcash Ave., Chambersburg, PA 17201, Letterkenny Township, **Franklin County**. Application received: October 20, 2022. To issue a Title V Operating

Permit for the military facility. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the previously mentioned facility. The actual emissions from the facility in 2021 are estimated at 20.6 tons of VOC; 22.8 tons of NO_x; 18.1 tons of CO; 7.6 tons of HAPs; 9.7 tons of SO_x; 115.7 tons each of PM₁₀ and PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.111–129.115—Additional RACT Requirements for Major Sources of NO_x and VOC for the 2015 Ozone NAAQS; 25 Pa. Code § 129.52—Surface coating processes; 25 Pa. Code, § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings; 25 Pa. Code, § 129.57—Storage tanks less than or equal to 40,000 gallons capacity containing VOCs; 25 Pa. Code, § 129.63—Degreasing operations; 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 64—Compliance Assurance Monitoring, and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

05-05006, Columbia Gas Transmissions, LLC, 210 Harrisburg Road, Artemas, PA 17211, Mann Township, Bedford County. Application received: December 19, 2022.

Approval of a Reasonably Available Control Technology 2 (RACT 2) and 3 (RACT 3) plan for the Columbia Gas Transmission, LLC, Artemas Compressor Station, as a significant modification to their Title V operating permit.

In accordance with 25 Pa. Code §§ 129.111–129.115 (relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT 2 and RACT 3 plan, to be submitted as part of the State Implementation Plan (SIP) for the previously mentioned facility.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT 2 and RACT 3 approval, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS, and the 2015 NAAQS for ozone.

The proposed RACT 2 and RACT 3 plan, if approved by DEP, will be issued as a significant modification to the facility's Title V operating permit (05-05006). The relevant RACT 2 and RACT 3 requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT 2 and RACT 3 approval will be excluded from the SIP submittal.

The following is a summary of the proposed RACT 2 and RACT 3 requirements for this facility that will be submitted to the EPA as part of the SIP:

The following constitutes a case-by-case RACT 2 and RACT 3 determination for the Group 012 sources pursuant to 25 Pa. Code §§ 129.99 and 129.114:

1. The enclosed flare shall control VOCs from the glycol dehydration units by at least 95%.
2. The enclosed flare shall be equipped with an automatic pilot ignition source using an auxiliary fuel (e.g. propane/natural gas). The presence of each of the flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
3. The enclosed flare shall always be operated with a flame present. The enclosed flare shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases if a flame-out occurs.
4. The permittee shall record the following information for each Group 012 source on a monthly basis, retain the records at the site and make them available to the Department upon its request:
 - (a) The operating hours of the flare and VOC, benzene and hazardous air pollutants (HAPs) emissions.
 - (b) Periods during which there was no pilot flame, if any.
 - (c) Records of the maintenance and/or repairs that had to be performed on the flare(s).
5. The enclosed flare shall be operated at all times during Group 012 source operation and when regenerator still emissions are vented. Each Group 012 source shall be operated and maintained in accordance with the manufacturer's specifications.

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Thomas Bianca, P.E., Environmental Engineering Manager, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, or at tbianca@pa.gov on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on August 7, 2023.

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

Public hearing. A public hearing will be held on August 23, 2023 at 2:30 p.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed RACT 3 significant modification action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Bianca, P.E. at 717-705-4863. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be the Friday before the hearing.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present

testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to Thomas Bianca, P.E. at 909 Elmerton Avenue, Harrisburg, PA 17110, or at tbianca@pa.gov.

All pertinent documents are available electronically for public review and copies can be requested by contacting Thomas Bianca, P.E. at 717-705-4863 or at tbianca@pa.gov. Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Bianca, P.E. at 717-705-4863 or make accommodations through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD).

44-05001, Standard Steel LLC Burnham Facility, 500 N. Walnut St., Burnham, PA 17009-1644, Burnham Borough, **Mifflin County**. Application received: December 21, 2022.

Approval of a Reasonably Available Control Technology (RACT) 3 plan for the Standard Steel, LLC Burnham Facility as a significant modification to its applicable Title V operating permit.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection (Department, DEP) has made a preliminary determination to approve a RACT 3 plan, to be submitted as part of the State Implementation Plan (SIP) for the previously mentioned facility.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT 3 approval, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS, and the 2015 NAAQS for ozone.

The RACT 3 plan, if approved by the Department, will be issued as a significant modification to the facility's Title V operating permit 44-05001. The relevant RACT 3 requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT 3 approval will be excluded from the SIP submittal.

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

The following is a case-by-case RACT 2 and/or RACT 3 determination for the indicated sources, pursuant to 25 Pa. Code §§ 129.99 and 129.114:

I. Source 102 (# 2 EAF) and Source 104A (# 4A EAF): Note: the following requirements are the RACT 2 case-by-case determination for source IDS 102 and 104A. These sources are also subject to presumptive RACT 3 requirements of 129.112(C) as specified in section E group 013.

(a) The permittee shall maintain and adhere to an operation and maintenance plan for Sources 102 and 104A, which shall address good operation and maintenance practices for the minimization of NO_x and VOC emissions, including measures to minimize the ambient air infiltration into the direct evacuation hoods.

(b) The permittee shall maintain records of any maintenance or modifications performed on Sources 102 or 104A.

(c) The permittee shall calculate and record the actual annual NO_x and VOC emissions using appropriate emissions factors from U.S. EPA Publication AP-42 or appropriate alternative emission factors based on PADEP review, coupled with appropriate operational and thruptut data.

(d) The permittee shall maintain written documentation of the items in (a)—(c) previously listed for five years. The records shall be made available to the Department upon written request pursuant to 25 Pa. Code § 129.100(d) and (i).

II. Source 204 (AFM 8141 Walking Beam Furnace), Source 401 (CDFS 8121 Rotary Hearth Furnace) and Source 404 (Rotary Austenitizing Furnace): [RACT 2 AND RACT 3 DETERMINATION]

(a) Sources 204, 401 and 404 shall each be equipped with low-NO_x burners.

(b) Sources 204, 401 and 404 shall combust only natural gas.

(c) The permittee shall maintain and adhere to an operation and maintenance plan for each of Sources 204, 401 and 404, which shall address good operation and maintenance practices for the minimization of NO_x and VOC emissions.

(d) The permittee shall maintain records of any maintenance or modifications performed on Sources 204, 401 and 404.

(e) The permittee shall calculate and record the actual annual NO_x emissions from Sources 204, 401 and 404 using appropriate emissions factors from U.S. EPA Publication AP-42 or appropriate alternative emission factors based on PADEP review, coupled with appropriate operational and thruptut data. Actual fuel use may be monitored at a common natural gas meter and pro-rated based upon maximum heat input of connected furnaces. Note: Upon approval of this provision by EPA as a SIP revision, this condition (e) shall supersede Condition 5 in RACT 1 Operating Permit 44-2001, to the extent that Condition 5 would apply to Sources 204 or 401.

(f) The permittee shall maintain written documentation of the items in (c)—(e) previously listed for five years. The records shall be made available to the Department upon written request pursuant to 25 Pa. Code § 129.100(d) and (i).

III. Non-Production VOC Usage (Source 601): RACT 2 AND RACT 3 DETERMINATION

(a) The permittee shall minimize the VOC emissions from the Source 601 Non-Production VOC Usage in the following manner:

i. All solvents shall be stored and transported in closed containers or pipes.

ii. All rags containing solvent shall be placed into closed storage containers for storage.

iii. All rags containing solvent shall be placed into sealed containers and disposed of.

iv. Spills of materials containing VOC shall be minimized and shall be cleaned up immediately with cleaning cloths or alternative approved methods that will minimize the evaporation of VOC into the atmosphere.

v. Minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent, and all spent solvent is captured in closed containers.

vi. Any products used which are subject to 25 Pa. Code § 130—Standards for Products, or to 40 CFR Part 59 Subpart E—National Volatile Organic Compound Emission Standards for Aerosol Coatings, or to 40 CFR Part 59 Subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings, shall comply with the requirements of those regulations, as applicable.

(b) The permittee shall record the quantity and identity of all VOC-containing materials used in Source 601 on the various sources on a monthly basis. These records shall be maintained and shall be made part of the permittee's annual "AIMS" report to the Department. The records shall be compiled into a monthly and 12-month rolling total format.

(c) Manufacturer supplied VOC data sheets for all coatings and cleaning agents applied within the most recent five (5) years shall be maintained at the facility and be made available to the Department at any time upon request.

Note: The previously listed conditions shall supersede the SIP-ed RACT 1 and 2 requirements for any RACT 1 and 2 sources that are part of this source group, upon approval by EPA as a SIP revision.

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Thomas Bianca, P.E., Environmental Engineering Manager, Air Quality Program, at 909 Elmerton Avenue, Harrisburg, PA 17110, or at tbianca@pa.gov on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on August 7, 2023.

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

Public hearing. A public hearing will be held on August 23, 2023 at 11:30 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed RACT 3 significant modification action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Bianca, P.E. at 717-705-4863. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be the Friday before the hearing.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to Thomas Bianca, P.E. at 909 Elmerton Avenue, Harrisburg, PA 17110, or at tbianca@pa.gov.

All pertinent documents are available electronically for public review and copies can be requested by contacting Thomas Bianca, P.E. at 717-705-4863 or at tbianca@pa.gov. Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Bianca, P.E. at

717-705-4863 or make accommodations through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD).

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.

TV-11-00536, CPV Fairview, LLC, 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184, Jackson Township, **Cambria County**. Application received: May 31, 2022.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue an initial Title V Operating Permit for operation of the Fairview Energy Center located in Jackson Township, Cambria County.

The emission sources covered by this operating permit includes two (2) General Electric Model # 7HA.02 natural gas fired, combined-cycle combustion turbines rated at 405 MW and a maximum heat input of 3,763 MMBtu/hr each coupled with heat recovery steam generators and equipped with duct burners rated with a maximum heat input of 425 MMBtu/hr; a Caterpillar ultra-low sulfur diesel fired emergency generator engine rated at 2,206 bhp; a John Deere ultra-low sulfur diesel fired emergency fire water pump engine rated at 350 bhp; an Evaptech cooling tower equipped with a drift eliminator for particulate matter control; a Rentech natural gas-fired auxiliary boiler rated at 92.4 MMBtu/hr; an Aether DBS natural gas fired dew point heater rated at 12.8 MMBtu/hr; SF₆ circuit breaker fugitive emissions; and natural gas and ethane blend piping fugitive emissions. The combustion turbines are equipped with oxidation catalysts and selective catalytic reduction air cleaning devices for control of NO_x, CO, VOC, and organic HAP emissions. The cooling tower is equipped with a drift eliminator air cleaning device for control of PM, PM₁₀, and PM_{2.5} emissions.

Potential emissions for the facility including emission restrictions have been calculated as follows: 155.2 tons per year of carbon monoxide (CO), 221.4 tons per year of nitrogen oxides (NO_x), 120.7 tons per year of particulate matter (PM), 120.7 tons per year of particulate matter less than 10-microns (PM₁₀), 119.1 tons per year of particulate matter less than 2.5-microns (PM_{2.5}), 32.3 tons per year of sulfur dioxide (SO₂), 64.8 tons per year of volatile organic compounds (VOC), 19.6 tons per year of hydrogen sulfate (H₂SO₄), 0.0147 ton per year of lead (Pb), 7.1 tons per year of formaldehyde (HCHO), 0.05 ton per year of sulfur hexafluoride (SF₆), 16.6 tons per year total Hazardous Air Pollutants (HAP), and 3,658,551 tons per year of greenhouse gases (GHGs).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 61, 63, and 70, and 25 Pa. Code Article III, Chapters 121—145.

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.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the

proposed operating permit or a condition thereof by submitting the information to Nicholas J. Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice 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 Operating Permit TV-11-00536) and concise statements regarding the relevancy of the information of the proposed permit or objections to issuance of the permit.

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 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.

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.

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

Contact: Norm Frederick, 570-826-2409.

35-00026, Mitsubishi Chemical Advanced Materials Inc./Scranton, 900 N South Rd, Scranton, PA 18504-1412, City of Scranton, **Lackawanna County**. Application received: December 7, 2022. The Department intends to issue a renewal State-Only (Natural Minor) Permit for the manufacturing of unsupported plastics, film and sheet facility located in Scranton City, Lackawanna County. The main sources at this facility consist of boilers. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00123, Alpha Hazleton/Hazle Twp., 1111 North Park Drive, Hazleton, PA 18202, Hazle Township, **Luzerne County**. Application received: November 17, 2022. The Department intends to issue a renewal State-Only (Natural Minor) Permit for the manufacturing of pet food facility located in Hazle Township, Luzerne County. The main sources at this facility consist of raw material scalpers, kibble cutters, and vertical coolers. The control devices consist of cyclones. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

54-00069, Isonova Technologies LLC, 3801 E Sunshine St, Springfield, MO 65809-2800, Hubley Township, **Schuylkill County**. Application received: May 9, 2023.

The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for the manufacturing of dog and cat food facility located in Hubley Township, Schuylkill County. The main sources at this facility consist of a boiler and spray dryers. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

61-00147, PA Department of Human Services Polk Center, Route 62, P.O. Box 94, Polk, PA 16342, Polk Borough, **Venango County**. Application received: July 11, 2022. The Department intends to issue the renewal of the State Only Operating Permit for PA Department of Human Services (DHS) Polk Center for the intermediate care facility. The facility is a Synthetic Minor. The primary sources at the facility consist of three coal boilers limited to 2,500 tons of coal for each boiler, 28.6 MMBtu/hr natural gas boiler, miscellaneous natural gas fired units rated less than 2.5 MMBtu/hr, and natural gas and diesel fired emergency generators. The actual reported emissions for this facility in 2022 are (TPY): 21.4 NO_x, 16.2 SO_x, 4.3 CO, 1.8 PM, 0.8 VOC, 0.5 HAPs, and 7,736.7 CO₂. The renewal 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.

25-00964, FMC Technologies, Incorporated, 1602 Wagner Avenue, Erie, PA 16510-1444, City of Erie, **Erie County**. Application received: July 19, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the manufacturing facility. The facility's primary emission sources include natural gas space heaters (16.202 MMBtu/hr total), two (2) paint booths, parts wash stations, a steam jenny, two (2) natural gas-fueled emergency generators, a diesel-fired water pump engine, and a heat treat oven. The potential emissions of the primary pollutants from the facility are as follows: 12.34 TPY NO_x, 13.05 TPY CO, 7.94 TPY VOC, 0.78 TPY PM₁₀ and PM_{2.5}, and 0.11 TPY SO_x; thus, the facility is a natural minor. Emergency Generator 2 (R&D) is subject to 40 CFR Part 60 Subpart JJJJ, the New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines. The diesel-fired water pump engine is subject to 40 CFR 60 Subpart III, NSPS for Stationary Compression Ignition Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

10-00152, Triangle Gasoline Company, 1100 North Main Street Extension, Butler, PA 16001-1958, Butler Township, **Butler County**. Application received: May 18, 2022. The Department intends to issue a renewal of the State Only Operating Permit for the bulk gasoline plant (three gasoline storage tanks) with vapor recovery system. The facility also has a small parts washer. The facility is subject to the NESHAPs for Area Sources for Gasoline Bulk Plants in 40 CFR 63 Subpart BBBBBB. The gasoline throughput from the facility is less than

20,000 gallons per day. The potential VOC emissions from the facility are approximately 3 TPY. The facility is located in Butler Township, Butler County. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

10-00030, Concast Metal Products Company, 131 Myoma Road, Mars, PA 16046-2227, Adams Township, **Butler County**. Application received: April 19, 2022. The Department intends to issue a renewal of the State Only Operating Permit of a foundry that produces continuous cast and wrought copper alloy products. Permitted sources at the facility are electric induction furnaces and associated casters, machining operations, and two natural gas-fired emergency generators. The natural gas-fired emergency generators are EPA-certified generator sets, which are subject to 40 CFR 60 Subpart JJJJ pertaining to New Source Performance Standards (NSPS) for Stationary Spark Ignition Internal Combustion Engines. With PTEs of 33.79, 3.43, 2.01, 0.17, 0.01, and 0.03 for PM₁₀, NO_x, CO, VOC, SO_x, and HAPs, respectively, the facility is Natural Minor for permitting purposes. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

20-00034, Northwest Hardwoods Incorporated, Titusville Campbell Yard, 10589 Campbell Road, Titusville, PA 16354, Oil Creek Township, **Crawford County**. Application received: March 30, 2022. The Department intends to issue a renewal of the State Only Operating Permit for a sawmill and hardwood manufacturing facility. The sources at the facility include a wood fired boiler controlled by a multiclone, an 11.8 MMBtu/hr natural gas boiler, miscellaneous woodworking operations and sawdust off-loading controlled by a central dust collection system, wood drying kilns, miscellaneous natural gas combustion, road dust from paved surfaces, and a parts washer. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The actual PM, SO_x, NO_x, CO, and VOC emissions are approximately 8.0 TPY, 0.2 TPY, 5.1 TPY, 5.1 TPY, and 4.8 TPY, respectively. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

03-00202, Peoples Natural Gas Company LLC, Roaring Run Station, 1201 Pitt Street, Pittsburgh, PA 15221, Kiskiminetas Township, **Armstrong County**. Application received: August 4, 2022. The Department intends to issue the renewal of the State Only Operating Permit for Peoples Natural Gas Company, Roaring Run Station for the compression and delivery of natural gas into the pipelines for transportation to People's distribution system. The facility is a Natural Minor. The primary sources at the facility consist of 670 bhp compressor engine, emergency generator, fugitive VOC emissions, storage tanks, and compressor blowdowns. The potential emissions for this facility are estimated at 3.77 tpy NO_x, 2.27 tpy CO, 2.36 tpy VOC, 0.90 tpy HAPS and 7.34 tpy methane. The renewal 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.

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

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

36-05147, Wenger Feeds, LLC/Mt. Joy Mill, 101 West Harrisburg Avenue, P.O. Box 26, Rheems, PA 17570, Mount Joy Borough, **Lancaster County**. Application received: July 19, 2022. For operation of an animal feed mill manufacturing facility. The facility potential emissions are 5.65 tons of CO, 9.14 tons of NO_x, 34.73 tons of PM₁₀, 32.68 tons of SO_x, and 0.46 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 63, Subpart JJJJJ—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, and 40 CFR Part 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

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

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

46-00022, Arkema, Inc., 900 1st Ave, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Application received: July 15, 2022. This action is for the renewal of a State Only Operating Permit. The facility operates two (2) natural gas-fired boilers, three (3) emergency electric generators (2 diesel, 1 natural gas), and three (3) pilot plants for use in product development and research. Two of the pilot plants are controlled by a thermal oxidizer. Arkema, Inc. is categorized as a synthetic minor facility for NO_x emissions with a facility-wide limit of 16.41 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

15-00156, Peace Prod Co Inc., 143 Pennsylvania Ave, Malvern, PA 19355, Malvern Borough, **Chester County**. Application received: November 1, 2022. Renewal permit for the operation of four (4) flexographic printing presses at an existing facility. The facility restricts facility-wide VOC emissions to less than 25 tons per year; therefore, the plant will be categorized as a Synthetic Minor Facility and an area source for Hazardous Air Pollutants (HAP). The requirements of 25 Pa. Code § 129.67a apply to the flexographic presses. The permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

15-00108, Refractory Minerals Company Inc., 150 S Jennersville Rd, West Grove, PA 19037, Penn Township, **Chester County**. Application received: August 8, 2022. Refractory Minerals Company Inc. (RMCI) submitted a

State Only Operating Permit renewal application for their facility located in West Grove (Penn Twp.) Chester County. RMCi produces alumina oxide powder that is used for the manufacture of refractories (industrial furnace linings). The facility has the potential to emit criteria pollutants from the existing rotary dryer burner (1.4 MMBtu/hr rated heat input capacity) as follows: NO_x: 2.74 tons/yr, CO: 0.230 ton/yr, PM: 0.021 ton/yr, SO_x: 0.015 ton/yr, VOC: 0.015 ton/yr. The renewed permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

PLAN APPROVALS

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

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

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

40-00154A, American Custom Drying Company, 109 Elbow Lane, Burlington, NJ 08016, Luzerne County. Application received: June 6, 2023.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to American Custom Drying Company for their facility located in Wright Twp., Luzerne County. This Plan Approval No. 40-00154A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00154A is for the installation and operation of a natural gas fired Spray Dryer having a production rate of 137 lb/hr for serving the ingredients market for both food and non-food industries. The emissions from the spray dryer are combustion emissions from the burner and particulate matter emissions from spray dryer. Particulate emissions from the drying operations will be control by a baghouse having 99.5% control efficiency. The Spray Dryer will also consist of an attached natural gas burner with a rating of 0.985 MMBtu/hr. The combustion emissions from the burner will not be captured by the baghouse. The company indicates that the dryer process to be constructed will comply with all regulatory requirements pertaining to air contamination source and the emission of air contaminants. There are no NSPS, NESHAP or air toxic standards are applicable to this process. The facility is subject to 25 Pa. Code § 123.41 for visible emissions and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The use of baghouses capable of removing more than 99% of particulate emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and

Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00154A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for

comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

Coal Applications

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

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

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. 56180101. NPDES No. PA0269492. PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, Stonycreek Township, **Somerset County.** NPDES renewal of a bituminous surface & auger mine affecting 348.3 acres. Receiving streams: Schrock Run and unnamed tributary # 2 to Glades Creek classified for the following uses: CWF & WWF. Application received: June 20, 2023.

Mining Permit No. 56220102. NPDES No. PA0279871. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, Brothersvalley Township, **Somerset County.** Permit revision to include mining activities within 100' of SR 2027 (Pine Hill Road) on a bituminous surface mine affecting 114.3 acres. Receiving streams: unnamed tributaries to Buffalo Creek, classified for the following use: CWF. Application received: June 21, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 14743701. PA Mines LLC, 600 Hamilton Street, Suite 600, Allentown, PA 18101, Rush Township, **Centre County.** Application for permit renewal and a major revision to the permit boundary to add 12 acres to the existing coal refuse disposal site affecting 150 acres. The renewal is for reclamation only. Receiving stream(s): Moshannon Creek and UNT to Moshannon Creek classified for the following use(s): TSF. Application received: June 14, 2023. Accepted: June 26, 2023.

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

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

Mining Permit No. 26080104. NPDES No. PA0251453. AEC Services Company, LLC, 1730 Walton Road, Suite 204, Blue Bell, PA 19422, Dunbar Township, **Fayette County.** Permit revision for expansion of mining area within permit boundary and addition of a sediment basin/NPDES point to an existing bituminous surface mine, affecting 88.2 acres. Receiving streams: UNTs "A" and "B" and Gist Run, classified for the following use: TSF. Application received: June 23, 2023.

Noncoal Applications

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

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

Alkalinity must always exceed acidity.
pH must always be greater than 6.0; less than 9.0.

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. 7574SM1. NPDES No. PA0594300. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, Silver Spring Township, **Cumberland County.** Permit revision to mine to elevation 50 MSL on

the existing Large Noncoal Industrial Mineral permit. Permit acres are 153.09 acres. Receiving streams: Conodoguinet Creek, classified for the following uses: WWF. Application received: June 20, 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

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

Contact: Cassie Stanton, Clerical Assistant.

NPDES No. PA0610623. Mining Permit No. 17820129. Kasubick Brothers Coal Company, 501 David Street, Houtzdale, PA 16651, Woodward Township, **Clearfield County**. Application received: April 19, 2023.

Modification of an NPDES permit for addition of a passive treatment system point source discharge of water resulting from postmining treatment of coal mine drainage affecting 161.8 acres. Receiving stream(s): North Branch Upper Morgan Run, classified for the following use(s): CWF. This receiving stream is included in the North Branch Upper Morgan Run Watershed TMDL.

A transfer of a Load Allocation to a Waste Load Allocation is proposed with the modification of this NPDES permit. The pollutant loadings of iron, manganese, and aluminum to North Branch Upper Morgan Run from an untreated deep mine discharge will now be treated at Outfall 001. The pollution loadings existed prior to and during the development of the TMDL and are part of the Load Allocation that was measured between TMDL endpoints NBUMR05 and NBUMR03. The draft NPDES effluent limits for outfall 001 are based on the pollutant loadings of the untreated, background condition of the discharge that have been transferred to a Waste Load Allocation to be applied at TMDL endpoint NBUMR03.

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 outfall discharges to North Branch Upper Morgan Run.

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Final Discharge from Treatment System (MP21T)	Continuous (0.019 MGD)

Outfall 001 (MP21T) is the final outfall of a passive treatment system consisting of a vertical flow pond, a polishing pond and a limestone bed. The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 (All Discharges)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	1.9	3.8	4.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)	Report		
Flow (gpm)	Report		
Temperature (°C)	Report		
Specific Conductivity (µmhos/cm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

This NPDES permit contains a compliance schedule under which the effluent limits previously listed will not go in effect until one year after the construction of the passive treatment system.

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. PA0259756. Mining Permit No. 4878NC3. Frank Tucci, 25000 PA Route 99, Cambridge Springs, PA 16403, Rockdale Township, **Crawford County**. Renewal of an NPDES permit. Application received: May 4, 2023.

NPDES No. PA0280534. Mining Permit No. 20900302. Frank Tucci, 25000 PA Route 99, Cambridge Springs, PA 16403, Rockdale Township, **Crawford County**. Renewal of an NPDES permit. Application received: May 5, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0225662. Mining Permit No. 64160301. Wayco, Inc., 198 O'Donnell Road, Waymart, PA 18472, Palmyra Township, **Wayne County**. Renew NPDES Permit affecting 36.0 acres. Receiving stream: UNT to Wallenpaupack Creek, classified for the following uses: HQ-WWF, MF. Non-Discharging Best Management Practices will be in effect. Application received: June 21, 2023.

NPDES Permit No. PA0226327. Mining Permit No. 54980301. HMMK, Inc., P.O. Box 79, Skippack, PA 19474, Foster Township, **Schuylkill County**. Application received: August 19, 2022. New NPDES Permit affecting 455.4 acres. Receiving stream: Swatara Creek, classified for the following uses: CWF, MF Swatara Creek TMDL. Application received: August 19, 2022. The following treated wastewater outfalls discharge to Swatara Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
001	Existing	Stormwater	0.73 MGD

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

The following limits apply to dry weather discharges from the following stormwater outfalls: 001

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO) (mg/L)			Monitor And Report	
Total Acidity (as CaCO) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Fe.		1.5	3.0	3.75
Mn		1.0	2.0	2.5
Al		0.75	0.75	0.75

The following alternate discharge limitations apply to discharges from the following stormwater outfalls resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event: 001

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

ⁱThis 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)).

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

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

E4002223-012. Wyoming Valley Sanitary Sewer Authority, P.O. Box 33A, Hanover, PA 18706, Forty Fort Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 13, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Abrahams Creek stream restoration project: 1) A channel change within a 5,500-LF reach of Abrahams Creek (CWF, MF) with work consisting of the removal of legacy sediment and re-grading to create a constructed stream channel having a 1-foot wide bed bottom lined with 6-inches of natural streambed material, an 8-foot top width, 3:1 side slopes, and longitudinal slopes ranging from 0.13% to 0.64%. Other improvements will include boulder shoring and live stake plantings, riparian buffer plantings. This impact will result in 4,906 yd³ of total cut within the stream and floodway. 2) The modification of an existing headwall with work consisting of the removal of existing

trash rack affixed to the headwall associated with an enclosed portion of Abrahams Creek (CWF, MF) and the construction of a 26-foot wide metal track rack. 3) A fill in the floodway consisting of a 10-ft wide, 5,000-ft long at-grade gravel walking trail, a wetland observation deck, park benches, and playground equipment. This impact will result in no net fill within the floodway. The project begins downstream of the SR 11 bridge and terminates at the confluence of Susquehanna River (Pittston, PA Quadrangle Latitude: 41° 17' 33"; Longitude: -75° 52' 1") in Forty Fort Borough, Luzerne County.

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

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

E3306123-002. PA DOT Engineering District 10, 2550 Oakland Avenue, Indiana, PA 15701, McCalmont Township, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 13, 2023.

To remove the existing structure and to construct and maintain a precast reinforced concrete box culvert having a normal span of 12.0-ft, an underclearance of 6.0-ft (5.0-ft effective with baffles), and a length of 58.67-ft along SR 2023, Segment 0030 across Elk Run (CWF) resulting in a total of 98-ft of permanent stream impacts and an additional 75-ft of temporary stream impacts. No wetland impacts are proposed. Latitude: 41.006943°, Longitude: -78.981658°.

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

Contact: 717-705-4802.

E2203223-005. Mike Pries, Dauphin County Commissioners, 2 South 2nd Street, Harrisburg, PA 17101-2047, Susquehanna Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 4, 2023.

To permanently impact 170 square feet of stream by constructing a driveway over an existing 48" diameter smooth line corrugated plastic pipe conveying a UNT to Clark Creek (HQ-CWF, MF), and to 2) permanently impact 4,725 square feet of floodway by constructing a new driveway. The project is located at Latitude: 40.39556, Longitude: -76.94611. All proposed work is for the purpose of land development for the main entrance of Detweiler Park. There are no wetland impacts proposed.

E0603223-004. 422 Properties LP, 910 Germantown Pike, Plymouth Meeting, PA 19426, Amity Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 21, 2023.

To:

1) install and maintain a six inch depressed, 49-foot long, concrete pipe culvert with wingwalls and a 12-foot waterway opening diameter in Leaf Creek (WWF, MF),

2) install and maintain a six inch depressed, 49-foot long, concrete pipe culvert with wingwalls and a 12-foot waterway opening diameter in Leaf Creek (WWF, MF),

3) install and maintain a six inch depressed, 45-foot long, concrete pipe culvert with wingwalls and a 12-foot waterway opening diameter in an Unnamed Tributary to Leaf Creek (WWF, MF),

4) install and maintain a six inch depressed, 97-foot long, concrete pipe culvert with wingwalls and a 8-foot waterway opening diameter in an Unnamed Tributary to Leaf Creek (WWF, MF),

5) place and maintain 49 linear feet (145,530 cubic feet) of fill in and along Leaf Creek (WWF, MF),

6) place and maintain 45 linear feet (75,600 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

7) place and maintain 657 linear feet (394,200 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

8) relocate and maintain 679 linear feet (57,715 square feet) of an Unnamed Tributary to Leaf Creek (WWF, MF),

9) place and maintain 60 linear feet (1,380 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

10) place and maintain 42 linear feet (336 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

11) place and maintain 380 linear feet (1,330 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

12) place and maintain 92 linear feet (115 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

13) place and maintain 140 linear feet (980 cubic feet) of fill in and along an Unnamed Tributary to Leaf Creek (WWF, MF),

14) install and maintain an 18-inch stormwater line across Leaf Creek (WWF, MF) and in the floodway of Leaf Creek (WWF, MF),

15) install and maintain an 8-inch electric line across Leaf Creek (WWF, MF) and in the floodway of Leaf Creek (WWF, MF),

16) install and maintain a 12-inch water line across Leaf Creek (WWF, MF) and in the floodway of Leaf Creek (WWF, MF),

17) install and maintain a 12-inch sanitary sewer line across an Unnamed Tributary (WWF, MF) and in the floodway of the Unnamed Tributary to Leaf Creek (WWF, MF),

18) install and maintain a 12-inch water line across an Unnamed Tributary (WWF, MF) and in the floodway of the Unnamed Tributary to Leaf Creek (WWF, MF),

19) install and maintain an 8-inch encased gas line across an Unnamed Tributary (WWF, MF) and in the floodway of the Unnamed Tributary to Leaf Creek (WWF, MF),

20) install and maintain an 8-inch electric line across an Unnamed Tributary (WWF, MF) and in the floodway of the Unnamed Tributary to Leaf Creek (WWF, MF).

All for the purpose of constructing two industrial commercial buildings with supporting loading, parking, and access drives. The project location is bound by Tollgate Road at the north, Township Line Road on the east, Leaf Creek to the West, and Route 422 on the south in Amity Township, Berks County (40.260454, -75.720945). No wetlands will be impacted by this project.

E2803223-001. David Thomas, Matrix Shippensburg Lots 11 and 12, LLC, Forsgate Drive, CN 4000, Cranbury, NJ 08512-3506, Southampton Township, **Franklin County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 21, 2023.

To 1) place and maintain 0.16 acre (6,947 square feet) of fill in an emergent wetland; 2) place and maintain

0.11 acre (4,878 square feet) of fill in an emergent wetland; 3) place and maintain 0.62 acre (27,009 square feet) of fill in an emergent and open water wetland; 4) place and maintain 0.04 acre (1,691 square feet) of fill in an emergent wetland; 5) place and maintain 0.12 acre (5,301 square feet) of fill in an emergent exceptional value wetland; 6) construct and maintain stormwater management basins resulting in 7,069 square feet of permanent floodway impacts and 32,974 square feet of temporary floodway impact; all for the purpose of constructing a 900,000 square foot warehouse and distribution facility, with 249 trailer and 329 car parking spaces, at the United Business Park in Southampton Township, Franklin County (40.018246, -77.518631). The permit applicant is proposing to construct and maintain three depressional wetlands in the floodway of Furnace Run (CWF, MF) totaling 2.838 acres to repair, rehabilitate, and restore impacts to regulated waters of the Commonwealth. To meet compensatory mitigation requirements for impacts to regulated waters of the Commonwealth, the permit applicant is proposing to participate in the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program.

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

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

E4601223-022. Collegeville Borough, 491 East Main Street, Collegeville, PA 19426, Collegeville Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: June 20, 2023.

Collegeville Borough is proposing to perform Chapter 106 Floodplain Site Restoration at six properties located along East Main Street and East First Avenue, First Avenue, and West First Avenue within the 100-year Floodplain and Floodway of Perkiomen Creek (TSF-MF). These properties include: 1) 2 East Main Street includes 0.255 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.183733 N, Longitude 75.448674 W), 2) 24 East First Avenue includes 0.102 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.185602 N, Longitude 75.449067 W), 3) 40 East First Avenue includes 0.086 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.186631 N, Longitude 75.449119 W), 4) 4 East Main Street includes 0.223 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.184068 N, Longitude 75.448602 W), 5) 114 West First Avenue includes 0.189 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.183437 N, Longitude 75.448589 W), and 6) 107 First Avenue includes 0.107 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182175 N, Longitude 75.449067 W). The six individual properties were damaged by Hurricane Ida and will be purchased and restored by Collegeville Borough. The project entails demolition and removal of structures, excavation and removal of debris, and the site restoration and stabilization of all disturbed areas. Latitude: 40.182175°, Longitude: -75.449067°.

EA0901223-001, WV0901223-001. Wrightstown Township, 2576 Second Street Pike, Newtown, PA 18940, Wrightstown Township, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: June 1, 2023.

To restore and rehabilitate about 450 feet of an unnamed tributary to Mill Creek (WWF) associated with the applicant's request for 105.12(a)(16) waiver to conduct

stream restoration and enhancement. The proposed rehabilitation will include: 1) floodplain reconnection through the removal of legacy sediments. 2) Pockets of wetlands will be installed which will help offset the effects of the toe-protection along the stream banks. 3) Installation of a 3-teir riparian forest buffer. 4) Stream Bank Reinforcement: All stream banks within the project area will be regraded to a slope of 3:1 (horizontal: vertical). Geotextile and vegetation will be used to reinforce and stabilize the banks. 5) The toe-protection consists of 12-to-18-inch diameter, native stones placed below bank-full height. 6) The southern most meander shows a cut-bank of close to 8 feet in height. At this location, additional protection, vegetated soil lifts, will be installed above the bank full height to the 100-year storm elevation. No excavation within the stream channel is proposed and no wetlands were identified within the project area. Mill Creek does not have special protection status. Given that the limit of disturbance associated with the project is less than 1 acre, the project does not require an Individual NPDES Permit for Discharges of Stormwater Associated with Construction Activities. The project is located west of the intersection of Old Anchor Rd and Second Street Pike (Lambertville, PA USGS Quadrangle) in Wrightstown Township, Bucks County. Latitude: 40.277173°, Longitude: -74.994803°.

ENVIRONMENTAL ASSESSMENTS

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

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

EA3615223-002. Freedom Land Management, LLC, 2969 Lincoln Highway East, Gordonville, PA 17529, Salisbury Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 27, 2023.

The applicant proposes to restore a section of Houston Run (CWF-MF) by removing approximately 30,684 cubic yards of legacy sediment and other historic fills from the floodplain. The length of channel being temporarily impacted during construction is approximately 3,770 linear feet, and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 18 acres. The project proposes to restore approximately 11 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 reconstruction of an existing stream crossing. The restoration project is located between Brackbill Road and Lincoln Highway, in Gap, PA Latitude: 39.992256°, Longitude: -76.041592°.

EA6715223-002. Dover Township, 2480 West Canal Road, Dover, PA 17315, Dover Township and West Manchester Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 20, 2023.

The applicant proposes to restore a section of Little Conewago Creek (TSF/MF) and an unnamed tributary to Little Conewago Creek by removing approximately 185,000 cubic yards of legacy sediment and other historic fills from the floodplain. The length of channel being

temporarily impacted during construction is approximately 7,000 linear feet, and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 33 acres. The project proposes to restore approximately 18 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 three pedestrian footbridges. The restoration reach along Little Conewago Creek consists of two sections. The upstream section originates approximately 850 linear feet downstream of the Baker Road bridge and terminates adjacent to the southern end of Mayfield Park. The downstream section originates at the northern section of Mayfield Park and terminates approximately 150 linear feet downstream of the confluence with an unnamed tributary to Little Conewago Creek. The restoration along the unnamed tributary originates downstream of the East Thornbridge Road bridge and terminates downstream of the confluence with Little Conewago Creek. The project area falls within both Dover and Manchester Township in York, PA Latitude: 39.973266°, Longitude: -76.815857°.

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

Contact: 717-705-4802.

EA2203223-001. Capital Area Greenbelt Association, P.O. Box 15405, Harrisburg, PA 17015, City of Harrisburg, Penbrook Borough, Paxtang Borough, and Susquehanna Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 17, 2023.

To conduct a stream restoration project along 2,859 feet of Parkway Creek (CWF, MF) and unnamed tributaries to Parkway Creek (CWF, MF) including the removal of existing structures and 1.) the installation and maintenance of 239 feet of vegetated rip rap; 2.) the construction and maintenance of 626 feet of boulder bank revetment; 3.) the installation and maintenance of 147 feet of soil lifts with toe wood; 4.) the installation and maintenance of 782 feet of soil lifts with rock toe protection; 5.) the construction and maintenance of thirteen cross rock vanes; 6.) the regrading and maintenance of 3,233 feet of streambank (left and right banks); 7.) the construction and maintenance of 135 feet of boulder packing; 8.) the construction and maintenance of nineteen rock steps; 9.) the construction and maintenance of 119 feet of engineered riffles; 10.) the installation and maintenance of a 56.0 foot long 68.0-inch by 43.0-inch concrete pipe; 11.) the installation and maintenance of a 40.0-foot long 53.0-inch by 43.0-inch concrete pipe, all impacting a total of 0.049 acre of exceptional value palustrine emergent/scrub shrub wetlands and all for the purpose of reducing sediment loading and enhancing fish habitat in the watercourses. The project is located along Parkway Boulevard (Latitude: 40.270239°N; Longitude: 76.837087°W) in the City of Harrisburg, Paxtang and Penbrook Boroughs, and Susquehanna Township, Dauphin County, U.S. Army Corps of Engineers Baltimore District. Wetland impacts are de minimus and replacement is not required.

DAM SAFETY

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

Contact: Curtis Brown, Chief, Eastern/Construction, Inspection and Monitoring Section, 717-783-7917.

D59-065. Wellsboro Borough Municipal Authority, 14 Crafton Street, Wellsboro, PA 16901, Charlestown Township, **Tioga County**. To modify, operate, and main-

tain Lake Hamilton Dam (PA-602) across Charleston Creek (WWF, MF), impacting 0.17 acre of wetlands (PEM) and 60 feet of stream for the purpose of raising normal reservoir pool by two feet and meeting Commonwealth regulations. The reservoir provides flood control, public water supply, and recreation. Wetland mitigation is provided by purchasing credits through the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program, Latitude: 41.845N°, Longitude: -75.859W°. Application received: March 13, 2023.

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/CWPpublicNotice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0088595	CAFO Individual NPDES Permit	Issued	Wide Awake Farms Partnership 411 Chestnut Street Lebanon, PA 17042-6142	Monroe Township Bedford County	SCRO
PAG30002D	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Nottingham Township Washington County	SWRO
PAD150255	Chapter 102 Individual NPDES Permit	Issued	East Coventry Township Chester County 855 Ellis Woods Road Pottstown, PA 19465-8151	East Coventry Township Chester County	SERO
PAD210051	Chapter 102 Individual NPDES Permit	Issued	Comm Charter Academy 4075 Linglestown Road P.O. Box 227 Harrisburg, PA 17112-1020	South Middleton Township Cumberland County	SCRO
PAD280016	Chapter 102 Individual NPDES Permit	Issued	Flohr Pools Inc. 1350 Lincoln Way E Chambersburg, PA 17202-3083	Guilford Township Franklin County	SCRO
PAD400061	Chapter 102 Individual NPDES Permit	Issued	Fellowship Church 45 Hildebrandt Road Dallas, PA 18612-9007	Dallas Township Luzerne County	NERO
PAD450178	Chapter 102 Individual NPDES Permit	Issued	Wgh Trucking 239 East 3rd Street Roselle, NJ 07023	Coolbaugh Township Monroe County	NERO
PAD670072	Chapter 102 Individual NPDES Permit	Issued	Harry James LLC 410 Orchard Court Red Lion, PA 17356-9016	York Township York County	SCRO
3513820	Joint DEP/PFBC Pesticides Permit	Issued	Lake Barbara Ann Association 17 Lakeside Drive South Abington Township, PA 18411-9420	South Abington Township Lackawanna County	NERO
4513811	Joint DEP/PFBC Pesticides Permit	Issued	Spring Lake Homeowners Association 51 Wellsleigh Court East Stroudsburg, PA 18301-8059	Smithfield Township Monroe County	NERO
4515803	Joint DEP/PFBC Pesticides Permit	Issued	Stroud Township Monroe County 1211 N 5th Street Stroudsburg, PA 18360-2646	Stroud Township Monroe County	NERO
4515804	Joint DEP/PFBC Pesticides Permit	Issued	Stroud Township Monroe County 1211 N 5th Street Stroudsburg, PA 18360-2646	Stroud Township Monroe County	NERO

<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>
4817808	Joint DEP/PFBC Pesticides Permit	Issued	Giering William J 2863 Delps Road Danielsville, PA 18038	Moore Township Northampton County	NERO
4823802	Joint DEP/PFBC Pesticides Permit	Issued	Avizof Lori 3680 Winding Lane Hellertown, PA 18055-1245	Lower Saucon Township Northampton County	NERO
5213857A-2	Joint DEP/PFBC Pesticides Permit	Issued	Blue Heron Lake Association 170 Dorys Road Dingmans Ferry, PA 18328-7702	Porter Township Pike County	NERO
5423801	Joint DEP/PFBC Pesticides Permit	Issued	Eagle Rock Resort Inc. 1 Country Club Drive # 2 Hazle Township, PA 18202-9169	North Union Township Schuylkill County	NERO
5813815	Joint DEP/PFBC Pesticides Permit	Issued	Laurel Lake Water Management 2995 John C Mcnamara Drive Brackney, PA 18812-7906	Silver Lake Township Susquehanna County	NERO
6423802	Joint DEP/PFBC Pesticides Permit	Issued	Monarch Woods LLC 2142 Decker Avenue Merrick, NY 11566-2127	Canaan Township Wayne County	NERO
6423804	Joint DEP/PFBC Pesticides Permit	Issued	Bucks Cove Rod & Gun Club Inc. P.O. Box 729 Honesdale, PA 18431-0729	Texas Township Wayne County	NERO
6623801	Joint DEP/PFBC Pesticides Permit	Issued	Parente John 478 Schoolhouse Road Tunkhannock, PA 18657-5907	Northmoreland Township Wyoming County	NERO
3623404	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Grager Todd 299 Coffee Street Millersville, PA 17551-9635	Manor Township Lancaster County	SCRO
2123201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Central Valley Farms 75 Goodyear Road Carlisle, PA 17015-9495	West Pennsboro Township Cumberland County	SCRO
6022201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	PA American Water Co. 105 Sodom Road Milton, PA 17847-9232	White Deer Township Union County	NCRO
PA0007455	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Lycoming Engines 652 Oliver Street Williamsport, PA 17701-4410	Williamsport City Lycoming County	NCRO
PA0253120	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Tri County Joint Municipal Authority P.O. Box 758 Fredericktown, PA 15333-0758	East Bethlehem Township Washington County	SWRO
PA0261416	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Reading Township Municipal Authority Adams County 843 W Middle Street Hanover, PA 17331-5011	Reading Township Adams County	SCRO
PA0084883	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Broad Top City Borough Huntingdon County P.O. Box 220 20432 Hazel Street Broad Top, PA 16621-0220	Broad Top City Borough Huntingdon 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>
PA0208922	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Woodward Township Sewer & Water Authority Clearfield County P.O. Box 6 131 Punkin Hollow Drive Houtzdale, PA 16651-0006	Woodward Township Clearfield County	NCRO
NNOEXNC57	No Exposure Certification	Issued	Foam Fabricators Inc. 8722 E San Alberto Scottsdale, AZ 85258-4353	South Centre Township Columbia County	NCRO
PAG032206	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Zenith Energy Terminal PA Holdings LLC 3900 Essex Lane Suite 700 Houston, TX 77027-5166	Pittston Township Luzerne County	NERO
PAG032232	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Eastern Metal Recycling 201 N Front Street Camden, NJ 08102-1661	Allentown City Lehigh County	NERO
PAG032307	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Versum Materials US LLC 357 Marian Avenue Tamaqua, PA 18252-4762	Rush Township Schuylkill County	NERO
PAG032346	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Service Manufacturing Inc. 750 Oak Hill Road Mountaintop, PA 18707	Wright Township Luzerne County	NERO
PAG032399	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Valmet Inc. 987 Griffin Pond Road Ivy Industrial Park Clarks Summit, PA 18411-9214	South Abington Township Lackawanna County	NERO
PAG033603	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Can Corporation of America Inc. 3721 Pottsville Pike Reading, PA 19605-1721	Muhlenberg Township Berks County	SCRO
PAG033808	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Glen Gery Corp 433 S Pottsville Pike Shoemakersville, PA 19555-9742	Perry Township Berks County	SCRO
PAG043875	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Vanvliet Katie 565 Mud Run Road York Springs, PA 17372-9533	Huntington Township Adams County	SCRO
PAG066128	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	Swissvale Borough Allegheny County 7560 Roslyn Street Pittsburgh, PA 15218-2556	Swissvale Borough Allegheny County	SWRO
PAG124862	PAG-12 NPDES General Permit for CAFOs	Issued	Jim and Linda Kucharski 39 Old Mill Road Liberty, PA 16930-9210	Liberty Borough Tioga County	SCRO
PAG133700	PAG-13 NPDES General Permit for MS4s	Issued	Cornwall Borough Lebanon County 44 Rexmont Road Lebanon, PA 17042	Cornwall Borough Lebanon County	SCRO
1023406	Sewer Extensions Individual WQM Permit	Issued	Cranberry Township Butler County 2525 Rochester Road Cranberry Township, PA 16066-6420	Cranberry 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>
4823401	Sewer Extensions Individual WQM Permit	Issued	Nazareth Borough Municipal Authority Northampton County P.O. Box A Nazareth, PA 18064-0450	Lower Nazareth Township Northampton County	NERO
PA0112631	Single Residence STP Individual NPDES Permit	Issued	Wargo Allen 1746 Old Reading Road Catawissa, PA 17820-8058	Roaring Creek Township Columbia County	NCRO
PA0233358	Single Residence STP Individual NPDES Permit	Issued	Litwin Anthony 4151 State Route 225 Dornsife, PA 17823-7258	Jackson Township Northumberland County	NCRO
PA0239691	Single Residence STP Individual NPDES Permit	Issued	Ott John A 111 Grouse Lane Sewickley, PA 15143-8316	Springfield Township Erie County	NWRO
PA0240117	Single Residence STP Individual NPDES Permit	Issued	Coates Dale L 9541 Concord Road Union City, PA 16438-7933	Union Township Erie County	NWRO
PA0265047	Single Residence STP Individual NPDES Permit	Issued	Kimball Brandi 1069 Barden Brook Road Eldred, PA 16731-5005	Ceres Township McKean County	NWRO
PA0265551	Single Residence STP Individual NPDES Permit	Issued	Bogovich Patricia 1702 N Woodland Boulevard # 116167 Deland, FL 32720-1837	Clarion Township Clarion County	NWRO
PA0271373	Single Residence STP Individual NPDES Permit	Issued	Brian and Jennifer Mills 2282 Happy Valley Road East Springfield, PA 16411-9774	Springfield Township Erie County	NWRO
PA0289116	Single Residence STP Individual NPDES Permit	Issued	Frederick Sherick and Janet Beresik 139 Petroleum Center Road Oil City, PA 16301-6207	Cornplanter Township Venango County	NWRO
PA0291790	Single Residence STP Individual NPDES Permit	Issued	Labonte Dirk 14600 Burnt Mill Road Shippensburg, PA 17257-9111	Lurgan Township Franklin County	SCRO
PA0293041	Single Residence STP Individual NPDES Permit	Issued	Yoder Amos J 195 Bend Road New Wilmington, PA 16142	Wilmington Township Mercer County	NWRO
PA0293946	Single Residence STP Individual NPDES Permit	Issued	Ott Anthony L 280 Feaster Road Chambersburg, PA 17202-9262	Guilford Township Franklin County	SCRO
2506402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Ott John A 111 Grouse Lane Sewickley, PA 15143-8316	Springfield Township Erie County	NWRO
2823401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Labonte Dirk 14600 Burnt Mill Road Shippensburg, PA 17257-9111	Lurgan Township Franklin County	SCRO
2828401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Ott Anthony L 280 Feaster Road Chambersburg, PA 17202-9262	Guilford Township Franklin County	SCRO
4323407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Yoder Amos J 195 Bend Road New Wilmington, PA 16142	Wilmington Township Mercer County	NWRO
4923401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Litwin Anthony 4151 State Route 225 Dornsife, PA 17823-7258	Jackson Township Northumberland County	NCRO

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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>
6121401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Frederick Sherick and Janet Beresik 139 Petroleum Center Road Oil City, PA 16301-6207	Cornplanter Township Venango County	NWRO
PA0088684	Small Flow Treatment Facility Individual NPDES Permit	Issued	Lentz John S and Lentz Rachel L 12733 Pleasant Hills Drive P.O. Box 86 Hesston, PA 16647-0086	Penn Township Huntingdon County	SCRO
PA0255513	Small Flow Treatment Facility Individual NPDES Permit	Issued	KC Food & Fuel LLC 7397 Lincoln Highway Central City, PA 15926-7901	Stonycreek Township Somerset County	SWRO
5618401	Small Flow Treatment Facility Individual WQM Permit	Issued	KC Food & Fuel LLC 7397 Lincoln Highway Central City, PA 15926-7901	Stonycreek Township Somerset County	SWRO
WQG01010801	WQG-01 WQM General Permit	Issued	Vanvliet Katie 565 Mud Run Road York Springs, PA 17372-9533	Huntington Township Adams County	SCRO
WQG02112201	WQG-02 WQM General Permit	Issued	Cresson Borough Municipal Authority Cambria County 730 Portage Road Cresson, PA 16630-1504	Cresson Township Cambria County	SWRO
WQG02452301	WQG-02 WQM General Permit	Issued	Stroudsburg Borough Monroe County 700 Sarah Street Stroudsburg, PA 18360-2122	Stroudsburg Borough Monroe County	NERO

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>
PAC230253	PAG-02 General Permit	Issued	John Rayer & Son Builders 12 Church Road Media, PA 19063	Marple Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC460749	PAG-02 General Permit	Issued	Coventry Christian School 699 North Pleasantview Road Pottstown, PA 19464-2615	Lower Pottsgrove Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460806	PAG-02 General Permit	Issued	The Hill School 860 Beech Street Pottstown, PA 19464-5791	Pottstown Borough Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov

NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC460794	PAG-02 General Permit	Issued	The Trustees of the University of Pennsylvania Owner Operator of the University 3930 Chestnut Street Philadelphia, PA 19104-3111	Montgomery Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460769	PAG-02 General Permit	Issued	Lockheed Martin Corporation 230 Mall Boulevard King of Prussia, PA 19406	Upper Merion Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460777	PAG-02 General Permit	Issued	The Robert Nicoletti Family Trust 100 Ross Road Ste 200 King of Prussia, PA 19406	Towamencin Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC090606	PAG-02 General Permit	Issued	N & J Excavation, Inc. 138 Rue St. Michel Line Lexington, PA 18932-9527	Plumstead Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x 110 RA-EPNPDES_SERO@ pa.gov
PAC090172	PAG-02 General Permit	Issued	3780 State Road, LLC c/o LBA RVI-Company XXXVI, LLC 353 N. Clark Street Suite 1825 Chicago, IL 60654	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-4902 215-345-7577 x 110 RA-EPNPDES_SERO@ pa.gov
PAC630288	PAG-02 General Permit	Issued	Agree SB, LLC 70 E Long Lake Rd Bloomfield Hills, MI 48304	North Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630092	PAG-02 General Permit	Issued	Sarris Candies, Inc. 511 Adams Ave Canonsburg, PA 15317	Canonsburg Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC020993	PAG-02 General Permit	Issued	Allegheny County Department of Public Works 542 Forbes Ave Pittsburgh, PA 15219	South Park Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005

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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>
PAC020969	PAG-02 General Permit	Issued	Allegheny County Airport Authority Landslide Terminal 4th Floor Mezzanine Suite 1050 Pittsburgh, PA 15231	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020616A-1	PAG-02 General Permit	Issued	Pittsburgh SMSA Limited Partnership 115 Flanders Road Flanders, NJ 07836	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020970	PAG-02 General Permit	Issued	MLS-LTD Spring Run Owner, LLC 2650 Quarry Lake Drive Suite 300 Baltimore, MD 21209	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020254	PAG-02 General Permit	Issued	Duckstein Restoration 17 Furnace Street Extension McKees Rocks, PA 15136	Robinson Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020218	PAG-02 General Permit	Issued	Plum Creek Cemetery 670 Center New Texas Road Pittsburgh, PA 15239	Plum Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020256	PAG-02 General Permit	Issued	Duquesne Light Company 2841 New Beaver Ave Pittsburgh, PA 15233	Robinson Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020255	PAG-02 General Permit	Issued	Joy Real Estate, LLC 2360 Monroeville Boulevard Monroeville, PA 15146	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020989	PAG-02 General Permit	Issued	Castle Shannon Borough 3310 McRoberts Road Castle Shannon, PA 15234	Castle Shannon Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020710A-1	PAG-02 General Permit	Issued	Sofay Realty Partners, LLC 58 Wildwood Road Ridgewood, NJ 07450	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020976	PAG-02 General Permit	Issued	BJ & T Development 2408 Washington Road Pittsburgh, PA 15241	Baldwin Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020028A-3	PAG-02 General Permit	Issued	Frank Bryan, Inc. 1263 Chartiers Avenue McKees Rocks, PA 15136	Kennedy Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020386A-1	PAG-02 General Permit	Issued	Kossmann Development Company Eleven Parkway Center Pittsburgh, PA 15220	Robinson Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020277A-1	PAG-02 General Permit	Issued	2330 Wildwood Road, LLC 2230 Wildwood Road Gibsonia, PA 15044	Hampton Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020967	PAG-02 General Permit	Issued	Sheetz, Inc. 435 Monmouth Drive Cranberry, PA 16066	Plum Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC021005	PAG-02 General Permit	Issued	Gateway School District 9000 Gateway Campus Boulevard Monroeville, PA 15146	Monroeville Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020740A-1	PAG-02 General Permit	Issued	Hampton Township 3101 McCully Road Allison Park, PA 15101	Hampton Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020198	PAG-02 General Permit	Issued	Beamsley Land Management, LLC 1002 Marquis Place Suite 309 Export, PA 15632	Monroeville Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020999	PAG-02 General Permit	Issued	Pittsburgh Water and Sewer Authority Penn Liberty Plaza 1 1200 Penn Ave Pittsburgh, PA 15222	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020896	PAG-02 General Permit	Issued	Apex Newbury, LLC 44 Abele Road Suite 304 Bridgeville, PA 15017	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020910	PAG-02 General Permit	Issued	The Ridge Pittsburgh, LP 10431 Perry Highway Suite 100 Wexford, PA 15090	McCandless Township Columbia County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005

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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>
PAC080024	PAG-02 General Permit	Issued	Scott D. Warner 14 School House Drive Troy, PA 16947	West Burlington Township Bradford County	Bradford County Conservation District 200 Lake Rd Ste E Towanda, PA 18848 570-265-5539
PAC510257	PAG-02 General Permit	Issued	AKRF, Inc. 530 Walnut Street Suite 998 Philadelphia, PA 19106-3645	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC510310	PAG-02 General Permit	Issued	Philadelphia Housing Authority 2013 Ridge Avenue Philadelphia, PA 19121	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC180016 A-2	PAG-02 General Permit	Issued	Avery Dennison and Kevin Dyer 8080 Norton Parkway Mentor, OH 44060	Bald Eagle Township Clinton County	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 570-726-3798
PAC190076	PAG-02 General Permit	Issued	Mitchell Knorr 7295 Old Berwick Rd Bloomsburg, PA 17815	South Centre Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC430093	PAG-02 General Permit	Issued	Sunrise Sandy Lake Greenville Road LLC 100 Crescent Court Suite 700 Dallas, TX 75201	Lake Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC240030	PAG-02 General Permit	Issued	PTV 1303 LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	City of Saint Marys Elk County	Elk County Conservation District 850 Washington Street St Marys, PA 15857 814-776-5373
PAC370069	PAG-02 General Permit	Issued	Sheetz Inc. 351 Sheetz Way Claysburg, PA 16625	Slippery Rock Township Shenango Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC200096	PAG-02 General Permit	Issued	Cocca Development LTD 100 Debartolo Place Suite 400 Youngstown, OH 44512	Vernon Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC030049	PAG-02 General Permit	Denied	FDIC 154 LLC 100 Debartolo Place Suite 400 Youngstown, OH 44512	Cowanshannock Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC200097	PAG-02 General Permit	Issued	Cussewago Truss LLC 23416 Middle Road Cambridge Springs, PA 16403	Cussewago Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC250189	PAG-02 General Permit	Issued	Jack Kinder LLC 1567 Sedgwick Road Waterford, PA 16441	Waterford Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250063A2	PAG-02 General Permit	Issued	Millcreek Township School District 3740 West 26th Street Erie, PA 16506	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PA250001C	PAG-02 General Permit	Issued	First Energy Corp 76 South Main Street Akron, OH 44308	Millcreek Township and Fairview Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC150335	PAG-02 General Permit	Issued	Leah Clark 3625 Doe Run Church Road Coatesville, PA 19320	West Marlborough Township Chester County	Chester County Conservation District 674 Unionville Road Ste 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150084	PAG-02 General Permit	Issued	Woodbine East Village, Inc. 120 Pennsylvania Avenue Malvern, PA 19355	Downingtown Borough Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC460798	PAG-02 General Permit	Issued	Maxim Kanevsky 425 Thornbrook Avenue Bryn Mawr, PA 19010-1638	Lower Merion Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov
PAC230257	PAG-02 General Permit	Issued	RGM Development Corporation 1441 Laura Lane Pottstown, PA 19464	Chester Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PA100006C	PAG-02 General Permit	Issued	Independence Excavating, Inc. 3826 Saxonburg Boulevard Cheswick, PA 15024	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC500055	PAG-02 General Permit	Issued	Rodney Burkholder 150 Sinclair Rd Newmanstown, PA 17073	Liverpool Township Perry County	Perry County Conservation District 31 West Main Street New Bloomfield, PA 17068 717-582-8988

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD280017	PAG-02 General Permit	Issued	Matrix Shippensburg Lots 11 and 12, LLC Forsgate Drive CN 4000 Cranbury, NJ 08512-3506	Southampton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC360680A-1	PAG-02 General Permit	Issued	Caernarvon Township Supervisors 2139 Main Street Narvon, PA 17555	Caernarvon Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2546
PAC360660A-1	PAG-02 General Permit	Issued	Mosaic Real Estate LLC 100 Willow Valley Lakes Drive Willow Street, PA 17584	City of Lancaster Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2546
PAC670309A-1	PAG-02 General Permit	Issued	Stonewicke LP 107 Little Bridge Road 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
PAC670603	PAG-02 General Permit	Issued	Divert PA Development Co LLC 23 Bradford Street Concord, MA 01742	Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC500054	PAG-02 General Permit	Issued	Shermans Valley Construction LLC 743 Emory Green Road Loysville, PA 17047	Carroll Township Perry County	Perry County Conservation District 31 West Main Street New Bloomfield, PA 17068 717-582-8988

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>
Deer Stone Ag— Drew Derstein 10049 Ferguson Valley Road Lewistown, PA 17044	Mifflin County	24.2	800.52	Swine Beef	NA	Approved
Dan Lukens 7075 Old Stage Road McClure, PA 17841	Mifflin County	2.7	365.4	Swine	NA	Approved
Shale-Rock Acres, LLC— Troy Miller 230 Mountain Drive Fredericksburg, PA 17026	Lebanon County	117.3	289.51	Broilers	NA	Approved
Kreider Farms— Rick Cramer 1486 Mount Pleasant Road Lebanon, PA 17042	Lebanon County	115.5	5,871.8	Layers	NA	Approved
Wesley Burkholder 4715 Fort McCord Road Chambersburg, PA 17202	Franklin County	4	406.32	Poultry	NA	Approved
Daryl Martin—Layer Farm 204 Farmers Lane Myerstown, PA 17067	Lebanon County	25	292.76	Layers	NA	Approved
LHF Enterprises LLC & LHF Farms LLC— Adam Egolf 932 Turner Camp Road Schellsburg, PA 15559	Bedford County	5.7	900.47	Swine Ducks	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Construction Permit No. 5223502, Major Amendment, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Address	762 Lancaster Ave. Bryn Mawr, PA 19010
Municipality	Shohola Township

County **Pike County**
 Consulting Engineer Michael McAloon, PE
 Suburban Consulting Engineers,
 Inc.
 96 US Highway 206
 Suite 101
 Flanders, NJ 07836

Application Received March 20, 2023
 Permit Issued June 13, 2023
 Description Applicant proposes to construct
 CCT facilities pursuant to the
 Lead and Copper Rule at Well
 No. 2.

Operation Permit No. 2660314, Public Water Supply.

Applicant **Gurudev Express, Inc.,
 Davan's Delite Restaurant**
 Address 1235 PA-29 North Tunkhannock,
 PA 18657
 Municipality Lemon Township
 County **Wyoming County**
 Consulting Engineer Mr. Michael P. Goodwin, PE
 Project Manager
 Milnes Engineering, Inc.
 12 Frear Hill Rd.
 Tunkhannock, PA 18657

Application Received May 24, 2023
 Permit Issued June 22, 2023
 Description Operations Permit for a new
 source of supply (Well No. 2),
 proper abandonment of Well
 No. 1, installation of arsenic
 treatment, and the installation
 of manganese treatment facilities
 for the new well at the site.

Construction Permit No. 4023506MA, Minor Amend-
 ment, Public Water Supply.

Applicant **Hazleton City Authority**
 Address 400 East Arthur Gardner
 Parkway
 Hazleton, PA 18201
 Municipality City of Hazleton
 County **Luzerne County**
 Consulting Engineer Mr. Michael J. Peleschak, PE
 Project Manager
 Alfred Benesch & Company
 400 One Norwegian Plaza
 Pottsville, PA 17901

Application Received May 10, 2023
 Permit Issued June 13, 2023
 Description Applicant proposes replacing the
 existing streaming current
 detector (SCD) meters and
 replacing the proposed in-line
 zeta potential meter (previously
 approved in PWS Permit
 4022501 issued 3/16/2022) with a
 laboratory/desktop zeta potential
 meter.

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

*Contact: Darin Horst, Environmental Engineer, 717-705-
 4708.*

Operation Permit No. 0522503 MA, Public Water
 Supply.

Applicant **Defiance Water Association**
 Address P.O. Box 122
 Defiance, PA 16633
 Municipality Broad Top Township
 County **Bedford County**
 Consulting Engineer GHD Inc.
 321 Washington Street
 Huntingdon, PA 16652

Application Received May 22,
 2023
 Permit Issued May 24, 2023
 Description Operation of continuous
 monitoring, automatic alarm and
 shutdown facilities.

Operation Permit No. 2822523 MA, Public Water
 Supply.

Applicant **Antrim Township Municipal
 Authority**
 Address 10655 Antrim Church Road
 P.O. Box 130
 Greencastle, PA 17225
 Municipality Antrim Township
 County **Franklin County**
 Consulting Engineer Glace Associates, Inc.
 3705 Trindle Road
 Camp Hill, PA 17011

Application Received December 13, 2022
 Permit Issued April 18, 2023
 Description Full-scale pilot study for a
 change of coagulant to Delpac
 2020.

Operation Permit No. 3622503 MA, Public Water
 Supply.

Applicant **City of Lancaster**
 Address 120 North Duke Street
 P.O. Box 1599
 Lancaster, PA 17608
 Municipality West Hempfield Township
 County **Lancaster County**
 Consulting Engineer ARRO Consulting, Inc.
 108 West Airport Road
 Lititz, PA 17543

Application Received April 20, 2023
 Permit Issued April 20, 2023
 Description Susquehanna Water Treatment
 Plant chemical feed pump
 replacements.

Operation Permit No. 3622540 MA, Public Water Supply.

Applicant **Columbia Water Company**
 Address 220 Locust Street
 P.O. Box 350
 Columbia, PA 17512
 Municipality Columbia Borough
 County **Lancaster County**
 Application Received April 21, 2023
 Permit Issued April 24, 2023
 Description Operation of the two (2) replacement sodium hypochlorite bulk storage tanks.

Consulting Engineer

Century Engineering, LLC
 2836 Earlstown Road
 Suite 1
 Centre Hall, PA 16828

Application Received

January 11, 2023

Permit Issued

May 1, 2023

Description

Modifications including replacement of the Well No. 1 pump, sodium hypochlorite feed pump, and relocation of chemical feed points.

Operation Permit No. 3623507 MA, Public Water Supply.

Applicant

Masonic Villages of the Grand Lodge of PA

Address

1 Masonic Drive
 Elizabethtown, PA 17022

Municipality

West Donegal Township

County

Lancaster County

Consulting Engineer

Rettew Associates, Inc.
 3020 Columbia Avenue
 Lancaster, PA 17603

Application Received

February 15, 2023

Permit Issued

May 2, 2023

Description

Emergency designation of the Elizabethtown Area Water Authority Interconnect.

Construction Permit No. 0523502 MA, Public Water Supply.

Applicant

Centerville Area Municipal Authority

Address

1037 Park Road
 Bedford, PA 15522

Municipality

Cumberland Valley Township

County

Bedford County

Consulting Engineer

Century Engineering, LLC
 2836 Earlstown Road
 Suite 1
 Centre Hall, PA 16828

Application Received

January 24, 2023

Permit Issued

May 4, 2023

Description

Addition of an entry point flow meter and instrumentation, automatic shutdown facilities, SCADA upgrades, and a new chlorine day tank.

Water Allocation Permit No. WA 28-1039, Public Water Supply.

Applicant

Veolia Water Pennsylvania, Inc.

Address

6310 Allentown Boulevard
 Suite 104
 Harrisburg, PA 17112

Municipality

Letterkenny Township

County

Franklin County

Application Received

March 29, 2023

Permit Issued

May 5, 2023

Operation Permit No. 0722506, Public Water Supply.

Applicant **Sproul Water Association**
 Address 134 Reed Street
 Sproul, PA 16682
 Municipality Greenfield Township
 County **Blair County**
 Consulting Engineer Stiffler McGraw and Associates, Inc.
 1731 North Juniata Street
 Hollidaysburg, PA 16648
 Application Received April 24, 2023
 Permit Issued April 26, 2023
 Description Interconnect with Greenfield Township Municipal Authority.

Operation Permit No. 0722505 MA, Public Water Supply.

Applicant **Greenfield Township Municipal Authority**
 Address P.O. Box 372
 Claysburg, PA 16625
 Municipality Greenfield Township
 County **Blair County**
 Consulting Engineer Stiffler McGraw and Associates, Inc.
 1731 North Juniata Street
 Hollidaysburg, PA 16648
 Application Received April 24, 2023
 Permit Issued April 26, 2023
 Description Operation of the interconnect with Sproul Water Association.

Construction Permit No. 2823501 MA, Public Water Supply.

Applicant **Indian Lake Camp Corporation**
 Address P.O. Box 173
 Fannettsburg, PA 17221
 Municipality Metal Township
 County **Franklin County**

Description	Succession of water rights for subsidiary water allocation permit No. WA 28-1039.	Address	8069 Corner Road Mercersburg, PA 17236
Operation Permit No. 3623502 MA , Public Water Supply.		Municipality	Montgomery Township
Applicant	Mount Joy Borough Authority	County	Franklin County
Address	21 East Main Street Mount Joy, PA 17552	Consulting Engineer	RHS Engineering, Inc. 2909 Conococheague Lane Greencastle, PA 17225
Municipality	East Donegal Township	Application Received	November 13, 2022
County	Lancaster County	Permit Issued	May 17, 2023
Consulting Engineer	ARRO Consulting, Inc. 108 West Airport Road Lititz, PA 17543	Description	Installation of a post-treatment sodium hypochlorite feed system.
Application Received	May 9, 2023	Operation Permit No. 3621529 , Public Water Supply.	
Permit Issued	May 11, 2023	Applicant	Warwick Township Municipal Authority
Description	Replacement of chemical feed pumps and turbidimeters at the Carmany Road water treatment plant.	Address	315 Clay Road Lititz, PA 17543
Operation Permit No. 7360496 , Public Water Supply.		Municipality	Warwick Township
Applicant	Dolgencorp, LLC	County	Lancaster County
Address	100 Mission Ridge Goodlettsville, TN 37072	Consulting Engineer	Entech Engineering, Inc. 201 Penn Street P.O. Box 32 Reading, PA 19603
Municipality	East Donegal Township	Application Received	May 15, 2023
County	Lancaster County	Permit Issued	May 18, 2023
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401	Description	Partial Operation Permit for the Rothsville Well No. 1 temporary nitrate treatment system.
Application Received	May 9, 2023	Operation Permit No. 7210029 , Public Water Supply.	
Permit Issued	May 11, 2023	Applicant	Pennsylvania-American Water Company
Description	Operation of a sediment filter and nitrate removal treatment.	Address	852 Wesley Drive Mechanicsburg, PA 17055
Construction Permit No. 3622541 , Public Water Supply.		Municipality	Fairview Township
Applicant	Linville Hill Christian School	County	York County
Address	295 South Kinzer Road Paradise, PA 17562	Consulting Engineer	Buchart Horn, Inc. 445 West Philadelphia Street York, PA 17401
Municipality	Paradise Township	Application Received	May 16, 2023
County	Lancaster County	Permit Issued	May 23, 2023
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401	Description	Operation of ultraviolet disinfection for cryptosporidium treatment credit.
Application Received	December 9, 2022	Construction/Operation Permit No. 3623506 MA , Public Water Supply.	
Permit Issued	May 16, 2023	Applicant	Columbia Water Company
Description	Installation of soda ash addition facilities and chlorine contact piping.	Address	220 Locust Street P.O. Box 350 Columbia, PA 17512
Construction Permit No. 2822519 , Public Water Supply.		Municipality	East Donegal Township
Applicant	Herbrucks of Pennsylvania LLC	County	Lancaster County
		Consulting Engineer	Buchart Horn, Inc. 445 West Philadelphia Street York, PA 17401
		Application Received	February 28, 2023
		Permit Issued	May 24, 2023

Description	Removal of the interconnect between the Columbia/Marietta System (PWS ID No. 7360123) and the East Donegal Township System (PWS ID No. 7360083).	Address	P.O. Box 585 Manheim, PA 17545
		Municipality	East Donegal Township
		County	Lancaster County
		Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Construction/Operation Permit No. 3623508 MA, Public Water Supply.		Application Received	December 12, 2022
Applicant	Columbia Water Company	Permit Issued	June 20, 2023
Address	220 Locust Street P.O. Box 350 Columbia, PA 17512	Description	Replacement of the softener, chlorination system, pressure tanks, and addition of new contact tanks.
Municipality	East Donegal Township		
County	Lancaster County	Operation Permit No. 2822508 MA, Public Water Supply.	
Consulting Engineer	Buchart Horn, Inc. 445 West Philadelphia Street York, PA 17401	Applicant	Antrim Township Municipal Authority
Application Received	February 28, 2023	Address	10655 Antrim Church Road P.O. Box 130 Greencastle, PA 17225
Permit Issued	May 24, 2023	Municipality	Antrim Township
Description	Removal of the interconnect between the Columbia/Marietta System (PWS ID No. 7360123) and the East Donegal Township System (PWS ID No. 7360083).	County	Franklin County
		Consulting Engineer	Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Operation Permit No. 3611543, Public Water Supply.		Application Received	June 2, 2023
Applicant	East Cocalico Township Authority	Permit Issued	June 20, 2023
Address	102 Hill Road Denver, PA 17517	Description	Operation of the Cedarbrook Tank.
Municipality	East Cocalico Township	Operation Permit No. 2822517 MA, Public Water Supply.	
County	Lancaster County	Applicant	Antrim Brethren in Christ Church
Consulting Engineer	CDM Smith 280 Granite Run Drive Suite 160 Lancaster, PA 17601	Address	334 Zarger Road Greencastle, PA 17225
Application Received	June 13, 2023	Municipality	Antrim Township
Permit Issued	June 20, 2023	County	Franklin County
Description	Operation of Well M.	Consulting Engineer	Dennis E. Black Engineering, Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Construction/Operation Permit No. 3623511 MA, Public Water Supply.		Application Received	June 7, 2023
Applicant	East Cocalico Township Authority	Permit Issued	June 20, 2023
Address	102 Hill Road Denver, PA 17517	Description	Operation of a sediment filter, softener, and modifications to the nitrate treatment.
Municipality	East Cocalico Township	Construction Permit No. 3622544, Public Water Supply.	
County	Lancaster County	Applicant	Strasburg Borough Authority
Consulting Engineer	Watek Engineering 604 South Frederick Avenue Suite 309 Gaithersburg, MD 20877	Address	145 Precision Avenue Strasburg, PA 17579
Application Received	March 14, 2023	Municipality	Strasburg Township
Permit Issued	June 20, 2023	County	Lancaster County
Description	Modifications to the existing Well F & M water treatment plant.		
Construction Permit No. 3622542 MA, Public Water Supply.			
Applicant	Cameron Estate Inn, Inc.		

Consulting Engineer ELA Group, Inc.
743 South Broad Street
Lititz, PA 17543

Application Received December 19, 2022

Permit Issued June 21, 2023

Description Removal of ozone disinfection,
and installation of raw water
storage tank bypass piping.

Contact: Joseph M. Mattucci, Program Manager, 717-705-4708.

Construction Permit No. 0623509 MA, Minor Amendment, Public Water Supply.

Applicant **Shoemakersville Borough**

Address 846 Main Street
Shoemakersville, PA 19555

Municipality Shoemakersville Borough

County **Berks County**

Consulting Engineer Bradley D. Smith
ARRO Consulting, Inc.
321 N Furnace Street
Suite 200
Birdsboro, PA 19508

Application Received May 4, 2023

Permit Issued June 20, 2023

Description Construction permit approving
the installation of new filter
valves and the already replaced
filter media.

Construction Permit No. 0622524, Major Amendment, Public Water Supply.

Applicant **Tilden Township Water System**

Address 874 Hex Highway
Hamburg, PA 19526

Municipality Tilden Township

County **Berks County**

Consulting Engineer William J. Everett
Carbon Engineering, Inc.
350 N Pine Street
Summit Hill, PA 18250

Application Received August 11, 2022

Permit Issued June 20, 2023

Description Construction permit approving
the replacement of the existing
pH adjustment and corrosion
control chemicals and the
addition of new water softener
designed to only treat the carry
water for the proposed pH
adjustment chemical.

NCWSA Construction Permit No. 3060688, Public Water Supply.

Applicant **Colebrookdale Chapel**

Address 2108 Farmington Avenue
Boyertown, PA 19512

Municipality Douglass Township

County **Berks County**

Consulting Engineer Jerry Burkholder
Martin Water Conditioning
740 E Lincoln Ave
Myerstown, PA 17067

Application Received March 13, 2023

Permit Issued May 25, 2023

Description NCWS Construction Approval for
the installation of a new acid
neutralizer for simply pH
adjustment.

Operation Permit No. 0622533, Major Amendment, Public Water Supply.

Applicant **Promising Properties, LLC**

Address 556 Blandon Road
Fleetwood, PA 19522

Municipality Lower Alsace Township

County **Berks County**

Consulting Engineer Jamie D. Lorah, SSM
1047 N Park Road
Reading, PA 19610

Application Received July 11, 2022

Permit Issued May 23, 2023

Description Operation permit approving the
use of the water vending unit.

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 6020501. PWSID No. **4490023**. **PA American Water White Deer**, 852 Wesley Drive, Mechanicsburg, PA 17055, White Deer Township and Kelly Township, **Union County**. Application received: June 12, 2023. Permit Issued: June 20, 2023. This partial Operation Permit authorizes operation of the recently installed West Milton Booster Pump Station (BPS) and approximately 2,100 feet of 12-inch diameter discharge piping. Demolition of the old BPS and installation of the generator have not been completed and are specifically excluded from this partial Operation Permit. When the two remaining items have been completed, please submit a 2nd Certificate of Construction, photo documentation, and \$50 application fee. This will signal the Department to issue the FINAL Operation Permit.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

Construction Permit 0123502 MA. PWSID No. **7010019**. **Gettysburg Municipal Authority**, 601 E. Middle St, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. Application received: March 2, 2023. Permit Issued: June 8, 2023. This action is issued for the rehabilitation of the Cemetery Hill water storage tank and the demolition of the old Cemetery Hill and Heritage Land water storage tanks.

Contact: Susan Wilbur, 717-705-4708.

Source Water Protection Program Approval issued to **Lykens Borough Authority**, 200 Main Street,

Lykens, PA 17048, PWSID 7220022, Lykens Borough, **Dauphin County**, on June 23, 2023.

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

Operation Permit 3423501 MA. PWSID No. **4340018.** **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, Delaware Township, **Juniata County.** Application received: May 25, 2023. Permit Issued: June 13, 2023. Meribah water system—Well No. 3 cleaning and rehabilitation.

Operation Permit 7220375. PWSID No. **7220375.** **Italian Delight, Inc.**, 4151 Linglestown Road, Harrisburg, PA 17112, East Hanover Township, **Dauphin County.** Application received: June 2, 2023. Permit Issued: June 9, 2023. Grantville Restaurant—Replacement of the UV light disinfection system and the installation of a new cartridge filter.

Transfer Permit 7220404. PWSID No. **7220404. 8051 Allentown Boulevard, LLC**, 78 John Miller Way, Ste 400, Kearny, NJ 070332, East Hanover Township, **Dauphin County.** Application received: March 22, 2023. Permit Issued: June 21, 2023. Cummins Power System—Transfer of ownership along with a well pump replacement and replacement of two (2) hydropneumatic water tanks.

Operation Permit 7221023. PWSID No. **7221023.** **Wellspan Health**, 1001 South George Street, York, PA 17403, West Cornwall Township, **Lebanon County.** Application received: May 23, 2023. Permit Issued: June 21, 2023. Wellspan Philhaven—Mt. Gttna—Well No. 4 casing extension and pitless adapter.

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

Operation Permit 0622525. PWSID No. **3061249.** **Giorgi Mushroom Farm 1**, 1161 Park Road, Temple, PA 19510, Maiden creek Township, **Berks County.** Application received: June 9, 2023. Permit Issued: June 20, 2023. Operation Permit for the installation of nitrate treatment.

Operation Permit 0622526. PWSID No. **3061249.** **Giorgi Mushroom Farm 1**, 1161 Park Road, Temple, PA 19510, Ontelaunee Township, **Berks County.** Application received: June 9, 2023. Permit Issued: June 20, 2023. Operation Permit for 4-log treatment of viruses at Plant 17.

Operation Permit 0622527. PWSID No. **3061249.** **Giorgi Mushroom Farm 1**, 1161 Park Road, Temple, PA 19510, Ontelaunee Township, **Berks County.** Application received: June 9, 2023. Permit Issued: June 20, 2023. Operation Permit for 4-log treatment of viruses for Plants 18, 19, and 22.

Operation Permit 0622528. PWSID No. **3061249.** **Giorgi Mushroom Farm 1**, 1161 Park Road, Temple, PA 19510, Ontelaunee Township, **Berks County.** Application received: June 9, 2023. Permit Issued: June 20, 2023. Operation Permit for 4-log treatment of viruses for Plant 25.

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

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

Reserve Source Designations Permit 1123504-R. PWSID No. **4110800.** **Saint Francis University of**

Pennsylvania, 117 Lakeview Drive, Loretto, PA 15940, Loretto Borough, **Cambria County.** Application received: March 28, 2023. Permit Issued: June 1, 2023. Issuance of permit 1123504-R for the reserve source designation of Well No. 5 for Saint Francis University of Pennsylvania of Loretto Borough.

Operation Permit 6523511. PWSID No. **5650080.** **Ligonier Township Municipal Authority**, 1 Municipal Park Drive, Ligonier, PA 15501, Ligonier Township and Fairfield Township, **Westmoreland County.** Application received: June 1, 2023. Permit Issued: June 13, 2023. Issuance of permit 5650080 for the operation of four (4) pressure reducing vaults, two (2) new pump stations, and upgrades to the existing Waterford Waterworks Control Building for the Ligonier Township Municipal Authority.

Water Allocation Permit WA26-846E. PWSID No. **5260006.** **Pleasant Valley Water Authority**, 2320 Moyer Road, Connellsville, PA 15425, Bullsken Township, **Fayette County.** Application received: February 14, 2022. Permit Issued: May 31, 2022. Issuance of Permit for purchases, for public water supply purposes of 50,000 gallons of water per day, peak day, from Indian Creek Valley Water Authority.

Water Allocation Permit WA26-846D. PWSID No. **5260006.** **Pleasant Valley Water Authority**, 2320 Moyer Road, Connellsville, PA 15425, Bullsken Township, **Fayette County.** Application received: November 15, 2018. Permit Issued: January 20, 2023. Issuance of Permit WA26-846D for purchases, for public water supply purposes of 600,000 gallons of water per day (30-day average) from the Municipal Authority of Westmoreland County.

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

Operation Permit 1123507MA. PWSID No. **4110017.** **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904, Croyle Township, **Cambria County.** Application received: June 8, 2023. Permit Issued: June 16, 2023. Approximately 3,450 linear feet of 12-inch diameter waterline and appurtenances along Lake Road and approximately 600 linear feet of 4-inch diameter waterline and appurtenances along Mill Road (SR 160).

NCWSA Construction Permit 5040370. PWSID No. **5040370.** **Mill Creek Evangelical Presbyterian Church of Hookstown**, 5005 State Route 151, Hookstown, PA 15050, Greene Township, **Beaver County.** Application received: March 22, 2023. Permit Issued: May 12, 2023. Approval to construct 400-gallon polyethylene storage tanks.

NCWSA Construction Permit 5630316. PWSID No. **5630316.** **Columbia Gas Transmission, LLC**, 4115 Cork Bocktown Road, Clinton, PA 15026, Donegal Township, **Washington County.** Application received: March 23, 2023. Permit Issued: May 12, 2023. Approval to construction (chlorination upgrades)

Operation Permit 0222506MA. PWSID No. **5020039.** **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Baldwin Borough, **Allegheny County.** Application received: June 6, 2023. Permit Issued: June 22, 2023. Caustic soda feed system including chemical storage tanks, chemical feed pumps, chase water softeners and hot water tank, piping, and appurtenances at the Hays Mine Water Treatment Plant.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Noah D. Niedererr, Sewage Planning Specialist, 717-705-4768.

Plan Location:

Municipality	Address	County
Hopewell Township	415 Three Square Hollow Road Newburg, PA 17240	Cumberland County

Plan Description:

Ben Byler SFTF, A3-21911-268-3s. Approval of a revision to the official plan of Hopewell Township, **Cumberland County**. The project is known as the Ben Byler Small Flow Treatment Facility (SFTF). The plan provides for a SFTF proposal to replace a malfunctioning on-lot disposal system serving an existing single-family residential dwelling on 29.59 acres. Total estimated sewage flows are 400 gpd, and there is a proposed discharge to an unnamed tributary to Peebles Run. The proposed development is located at 476 Three Square Hollow Road in Hopewell Township, Cumberland County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-21911-268-3s and the APS ID is 1085863. Permits for on-lot sewage disposal systems must be obtained in the name of the property owner.

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

Contact: Elizabeth Mahoney, Environmental Group Manager, 484-250-5190.

Plan Location:

Municipality	Address	County
Birmingham Township	1040 West Street Road West Chester, PA 19382	Chester County

Plan Description:

Radley Run Country Club Improvements, 1-15911-115-3. DEP approved the construction of an 8,000-square-foot clubhouse to serve the Radley Run Country Club, located at 1100 Country Club Road in Birmingham Township, **Chester County**. Tax Parcels 65-3D-71, 65-3D-85, 65-3D-86, 65-3C-29, and 65-3-6.1A will be consolidated into a single lot. The new clubhouse will house the member dining area (161 seats) and the member locker rooms, which will be relocated from the upper level of the existing clubhouse building. The vacated upper levels of the old clubhouse building will be converted into banquet and event space. The lower level of the old clubhouse building will maintain its existing use as office, storage, and banquet and event space. The overall event and banquet seating for the building will increase by 132 seats, for a total of 282 seats, with a maximum of one event held per day. The existing Pro-Shop (Huntsman House), the Kennelman House (a former residence, now vacant), and the Cart Storage Barn will remain on the consolidated lot. The Pro-Shop and the Kennelman House will continue to be served by a community onlot sewage disposal system. The Cart Storage Barn has no sewage facilities. The new clubhouse will be connected to the Radley Run Sewer Association (RRSA) collection system

and will generate an additional 1,872 gallons of sewage per day to be treated at the RRSA's Wastewater Treatment Plant.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

PUBLIC NOTICE OF PROPOSED SETTLEMENT AGREEMENT

Ambler Asbestos Piles Superfund Site, Locust St., Ambler, 19002, Ambler Borough and Upper Dublin Township, Montgomery County.

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

Contact: Charline Bass 484-250-5787.

The Department of Environmental Protection (Department), under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C.A. §§ 9601—9675) (CERCLA) and the Hazardous Sites Cleanup Act, as amended (35 P.S. §§ 6020.101—6020.1305) (HSCA) proposes to enter into a Settlement Agreement with D.C. Ambler Properties (DC Ambler), regarding the Ambler Asbestos Piles Superfund Site (the Site) located in Ambler Borough and Upper Dublin Township.

The Site was formerly used as a disposal site for asbestos product manufacturing waste from the early 1930s until 1974. DC Ambler purchased the Site property in 2005. DC Ambler imported a large quantity of regulated and non-regulated fill material in 2012 and damaged several features of the Site remedy in the process.

Pursuant to an October 29, 2014, Consent Order and Agreement (the 2014 COA), DC Ambler agreed to pay a \$50,000 penalty and perform various corrective actions at the Site, including but not limited to, fill removal, fencing restoration and the implementation of DEP-approved plans. DC Ambler were required to pay stipulated penalties for failing to implement the corrective actions in a timely manner. The settlement includes a payment of Five Hundred Thousand Dollars (\$500,000) to resolve its liability for outstanding stipulated penalties for violations of the 2014 COA, and, if the remaining corrective actions are not completed by December 31, 2023, then DC Ambler shall pay to the Department additional stipulated penalties in the amount of Fifty Thousand Dollars (\$50,000) and may be subject to further remedies. The remaining corrective actions include removal of the remaining fill material, fence restoration, and submission to the Department of a final project summary report.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Settlement Agreement is available for public review and comment. An electronic copy or hard copy of the proposed agreement may be requested by contacting either Richard Semmens (484) 250-5729 or Adam Bram, Esquire at (484) 250-5930. Mr. Semmens or Mr. Bram may also be contacted electronically at rsemmens@pa.gov or abram@pa.gov, respectively. A public comment period on the proposed Settlement Agreement will extend for 60 days from the date of this notice. Persons may submit written comments, regarding the agreement, until September 6, 2023, by submitting them to Mr. Semmens at the previously listed address.

The Department has reserved the right to withdraw its consent to the Settlement Agreement, if comments submitted during the public comment period disclose facts or considerations which indicate, at the Department's discretion, that the Settlement Agreement is inappropriate or not in the public interest.

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.

Coldstream B, Primary Facility ID # **818320**, 2323 Coldstream Road, Frenchville, PA 16835, Goshen Township, **Clearfield County**. Moody & Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of PPG Operations LLC, 3500 E College Ave, Suite 1300, Box 6, State College, PA 16801, submitted a Final Report concerning remediation of soil and groundwater

contaminated with production water. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

Jackson A Pad Unconventional Well Pad, Primary Facility ID # **865813**, 2425 Keir Hill Road, Columbia Cross Roads, PA 16914, Springfield Township, **Bradford County**. Moody and Associates, Inc., 101 N Main Street, Suite 3, Athens, PA 18810, on behalf of Blackhill Energy LLC, 4600 J Barry Court, Suite 320, Canonsburg, PA 18831, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

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

Contact: Eric Supey, Environmental Program Manager.

Caprio (07-077) Well Pad, Primary Facility ID # **831659**, 656 Abell Road, Little Meadows, PA 18830, Apolaccon Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil and Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Final Report concerning remediation of soil and groundwater contaminated with production fluid (brine). 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.

Blettner Avenue Development, Primary Facility ID # **862486**, 293-295 Blettner Avenue, Hanover, PA 17331, Conewago Township, **Adams County**. August Mack Environmental, 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of MA Warehime Properties, LLC, 416 Sprenkle Avenue, Hanover, PA 17331, submitted a Final Report concerning remediation of soil contaminated with lead. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

30 West Ridge Road, Primary Facility ID # **867427**, 30 West Ridge Road, Palmyra, PA 17078-1139, Palmyra Borough, **Lebanon County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Mr. Gary Laudermilch, 30 West Ridge Road, Palmyra, PA 17078-1139, submitted a Final Report concerning remediation of soil contaminated with used motor oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

United Parcel Service (UPS) Altoona Center, Primary Facility ID # **827104**, 3042 Route 764, Duncansville, PA 16635, Allegheny Township, **Blair County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of United Parcel Service, 2535 Edward Babe Gomez Avenue, Omaha, NE 68107, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Risk Assessment/Remedial Investigation/Final Report is intended to document remediation of the site to meet the site-specific standards.

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

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

Former Allenport Steel Mill Property, Primary Facility ID # **859358**, 1 Wheeling Pitt Drive, Allenport, PA 15412, Allenport Borough, **Washington County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Mon River Industrial Group, LLC, P.O. Box 249, Allenport, PA 15412, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with 1,1,1-trichloroethane, 1,1-dichloroethane, 1,2,4-trimethylbenzene, 1,2-dichlorobenzene, 1,3,5-trimethylbenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, benzene, carbon disulfide, cis-1,2-dichloroethene, cyclohexane, ethylbenzene, isopropyl benzene, methyl acetate, methyl cyclohexane, tetrachloroethene, toluene, trichloroethene, vinyl chloride, xylenes, 2-methylnaphthalene, acenaphthene, acenaphthylene, acetophenone, anthracene, benzaldehyde, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, bis(2-ethylhexyl)phthalate, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, p-chloro-m-cresol, phenanthrene, pyrene, aroclor 1242, aroclor 1248, aroclor 1254, aroclor 1260, aroclor 1268, arsenic, barium, cadmium, chromium (criii), chromium (crvi), lead, mercury, selenium, and silver for soil; chloroform, trichlorofluoromethane, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, bis(2-ethylhexyl)phthalate, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, barium, cadmium, chromium, lead, mercury, and selenium for groundwater. The Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property;

and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

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

Beimel Transport Accident, Primary Facility ID # **858253**, Interstate of Dam Run Road and State Route 287, Jersey Shore, PA 17740, Mifflin Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: June 13, 2023.

VRGC BRA Pad (4HC), Primary Facility ID # **865497**, 1180 Robinson Road, Wyalusing, PA 18854, 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 demonstrated attainment of the Statewide health standards. Approved: June 20, 2023.

Hopson BRA 1HC on the Hopson BRA Pad, Primary Facility ID # **866940**, 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 produced water. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: June 20, 2023.

Croda, Inc.—Mill Hall Facility, Primary Facility ID # **863628**, 8 Croda Way, Mill Hall, PA 17751, Bald Eagle Township, **Clinton County**. Letterle & Associates Inc., 2022 Axemann Rd, Suite 201, Bellefonte, PA 16823, on behalf of Croda, Inc., 8 Croda Way, Mill Hall, PA 17751, submitted a Final Report concerning remediation of soil contaminated with Therminol 59 Fluid. The Final Report

demonstrated attainment of the Statewide health standards. Approved: May 24, 2023.

Repsol Oil & Gas USA, LLC, DCNR 587 (02-003) Well Site, Primary Facility ID # **866316**, 189 Long Ridge Lane, Morris Run, PA 16939, Ward Township, **Tioga County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Respol Oil & Gas USA LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: June 22, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

J. Reilly Pad 1, Primary Facility ID # **862758**, 427 Plonski Road, South Gibson, PA 18842, Gibson 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 and groundwater contaminated with production fluid (brine). The Final Report did not demonstrate attainment of the Statewide health standards. Disapproved: June 20, 2023.

Pocono Mountain School District, Primary Facility ID # **851827**, 208 Campus Drive, Swiftwater, PA 18370, Paradise Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pocono Mountain School District, P.O. Box 200, 135 Pocono Mountain School Road, Swiftwater, PA 18370, submitted a Final Report concerning remediation of soil and groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 22, 2023.

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

Contact: Peter, 814-332-6189.

Jackson Property, Primary Facility ID # **848614**, 7019 Forrest Trail Road, Butler, PA 16002, Penn Borough, **Butler County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Robert Jackson, 7019 Forrest Trail Road, Butler, PA 16002, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: June 23, 2023.

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

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

Winters Residence, Primary Facility ID # **864017**, 1139 Dartmouth Road, Hummelstown, PA 17036, Derry Township, **Dauphin County**. Skelly and Loy, Inc., 449 Eisenhower Blvd., Suite 300, Harrisburg, PA 17111, on behalf of Richard & Judy Winter, 1139 Dartmouth Road, Hummelstown, PA 17036, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 16, 2023.

Seakeeper Bldg. 6F, Primary Facility ID # **862899**, 6 Front Street Plaza, Mohnton, PA 19540, Mohnton Borough, **Berks County**. Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of Moser Partnerships, LLC/Seakeeper, Inc., 5460 Pottstown Pike, Leesport, PA 19533, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil contaminated with arsenic, metals and PAH contaminants. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: June 16, 2023.

Pennsy Supply, Inc.—Newport Quarry, Primary Facility ID # **867217**, 142 South 4th Street, Newport, PA 17074, Oliver Township, **Perry County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, submitted a Final Report concerning remediation of soil contaminated with mineral insulating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 16, 2023.

Former Robesonia Furnace, Primary Facility ID # **825230**, South Freeman Street, Robesonia, PA 19551, Robesonia Borough, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Borough of Robesonia, 75 South Brooke Street, Robesonia, PA 19551, submitted a Final Report concerning remediation of soil contaminated with lead. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: June 22, 2023.

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

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

Jean Reckner Residence, Primary Facility ID # **821861**, 578 Stoystown Road, Altoona, PA 16601, Somerset Township, **Somerset County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Jean Reckner, 578 Stoystown Road, Somerset, PA 15501, submitted a Final Report concerning remediation of soil contaminated with ethylbenzene, cumene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 12, 2023.

55 27th Street, Primary Facility ID # **863426**, 55 27th Street, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. Langan Engineering & Environmental Services, Inc., 2400 Ansys Drive, Suite 403, Canonsburg, PA 15317, on behalf of Action 2.0, LP, 2545 Railroad Street, Suite 300, Pittsburgh, PA 15222, submitted a Baseline Workplan concerning remediation of soil and groundwater contaminated with benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, dibenz(a,h)-anthracene, benzo(k)fluoranthene, indeno(1,2,3-c,d)pyrene, antimony, arsenic, beryllium, cadmium, copper, cobalt, iron, lead, manganese, and tetrachloroethene. The Plan did not demonstrate attainment of the special industrial area provision of act 2. Issued a technical deficiency letter: June 12, 2023.

Nine Mile Run Phase III, Primary Facility ID # **624451**, Commercial and Goodman Streets, Pittsburgh, PA 15218, City of Pittsburgh, **Allegheny County**. Civil & Environmental Consultants, Inc., 700 Cherrington Parkway, Moon Township, PA 15108, on behalf of Urban Development Authority of Pittsburgh, 412 Boulevard of

the Allies, Suite 901, Pittsburgh, PA 15219, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with arsenic, iron, manganese, thallium, and vanadium. The Report demonstrated attainment of the site-specific standards. Approved: June 22, 2023.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

New Transporter License Issued

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

Contact: Jonathan Adams.

Maxwell Transport, Inc., 455 Struble Road, State College, PA 16801. **License No. PA-AH 0935.** Application received: April 5, 2023. Effective June 5, 2023.

Transporter License Reissued

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

Contact: Jonathan Adams.

Quality Carriers, Inc., 102 Pickering Way, Exton, PA 19341. **License No. PA-AH 0630.** Application received: May 31, 2023. Effective June 12, 2023.

Environmental Waste Minimization, Inc., 14 Brick Kiln Ct, Northampton, PA 18067. **License No. PA-AH 0682.** Application received: May 25, 2023. Effective June 12, 2023.

Moran Environmental Recovery LLC, 75D York Ave, Randolph, MA 02368. **License No. PA-AH 0744.** Application received: June 6, 2023. Effective June 7, 2023.

Sessler Environmental Services LLC, 1330 Research Forest, Macedon, NY 14502. **License No. PA-AH 0889.** Application received: June 12, 2023. Effective June 12, 2023.

AIR QUALITY

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

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

Contact: Raymond Kempa, Environmental Group Manager, 570-826-2511.

GP11-48-001: Bethlehem Landfill Company, 2335 Applebutter Road, Bethlehem, PA 18015-6004, Lower Saucon Township, **Northampton County**. For the renewal of the facilities General Permit to operate an IC Engine Application received: June 5, 2023. Renewed: June 23, 2023.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

AG5-58-00002A: Appalachia Midstream Services, LLC, 30351 Route 6, Wysox, PA 18854, Rush Township, **Susquehanna County**. Renewed the general Operating Permit GP5 for the operation of Natural Gas Compression and Natural Gas Dehydration plant at the facility located in Rush Township, Susquehanna County. Application received: May 23, 2023. Issued: June 6, 2023.

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

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

GP3-01-05016B: Specialty Granules, LLC, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0194, Hamiltonban Township, **Adams County**. For a portable nonmetallic mineral processing plant, under GP3, at the Charmian Quarry. Application received: May 25, 2023. Issued: June 16, 2023.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

GP9-15-0042: Exelon Corporation/Kennett Square, 300 Exelon Way, Kennett Square, PA 19348-2473, Kennett Square Borough, **Chester County**. This action is for the issuance of a General Plan Approval and General Operating Permit for the installation and operation of two diesel engines at the Kennett Square facility. Application received: May 2, 2023. Issued: June 20, 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.

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

Contact: David Balog, New Source Review Chief, 814-332-6940.

10-00440A: Spencer Geibel Funeral Home & Cremation Services, LLC, 140 New Castle Road, Butler, PA 16001-2637, Butler Township, **Butler County**. The Department has issued a new Plan Approval Permit for a new Matthews Environmental Solutions IE43-PPI (Power Pak I) crematory unit with afterburner, at the funeral home. Application received: October 24, 2022. Issued: June 22, 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-65-00839C: Texas Eastern Transmission, LP, P.O. Box 1642, Houston, TX 77251, Salem Township, **Westmoreland County**. The Department of Environmental Protection (Department) issues Air Quality Plan Approval 65-00839C to update startup and shutdown durations and include the addition of alternating operating modes for the one (1) Solar Mars T1500S natural gas-fired turbine (Source ID # 118) and the one (1) Solar Titan 250 natural-gas fired turbine (Source ID # 119) present at the Delmont Compressor Station. The facility-wide Potential to Emit (PTE) for the Delmont Compressor

Station has been updated to include the addition of extended startup and shutdown durations of the two (2) Solar turbines and alternative operating modes under worst case scenarios. The Delmont Compressor Station is located at 160 Adele Lane, Greensburg, PA 15601. Application received: March 22, 2022. Deemed administratively complete: March 31, 2022.

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. New expiration date: January 28, 2024.

PA-26-00495B: Gans Energy, LLC, State Route 3002, Gans, PA 15439, Springhill Township, **Fayette County**. Plan Approval extension effective June 28, 2023 to extend the period of temporary operation of the plant until the plan approval can be incorporated into the Title V Operating Permit. This plant is located in Springhill Township, Fayette County. Application received: June 7, 2023. Issued: June 21, 2023. The new expiration date is December 28, 2023

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

34-05002A: Texas Eastern Transmission, LP, 5400 Westheimer Court, Houston, TX 77056, Lack Township, **Juniata County**. For an engine project at the Perulack Compressor Station. The Plan Approval will authorize the following items: 1.) Retrofit the existing natural gas-fired Cooper Bessemer GMVA-8 engine (Source 031), as clean burn spark ignition engine (SI RICE), without increasing its rated 1,100 hp, 2.) Install Control ID C031, Oxygen Catalyst on Source 031. The plan approval was extended. Application received: June 8, 2023. Issued: June 20, 2023.

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

06-05159A: DAK Americas, LLC, 4030 Pottsville Pike, Reading, PA 19605, Muhlenberg Township, **Berks County**. For the installation of four (4) Caterpillar, 2,069 HP, natural gas-fired engines for their combined heat and power system and three (3) natural gas-fired, 7.877 MMBtu/hr, Miura boilers at the pcrPET bottles and container recycle plant. The plan approval was extended. Application received: June 2, 2023. Issued: June 21, 2023.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

09-0196N: Abington Reldan Metals LLC/Fairless Hills, 550 Old Bordentown Rd, Fairless Hills, PA 19030, Falls Township, **Bucks County**. This action is for the extension of a plan approval for construction of new thermal destructor (Penn Ram 5) and associated controls. Application received: June 12, 2023. Issued: June 20, 2023.

46-0296A: Amazon, 2455 Blvd Gen, Norristown, PA 19403, West Norriton Township, **Montgomery County**. This action is for the extension of a plan approval for the decommissioning of an RTO and the temporary operation of 6 Sublimation printers. Application received: June 2, 2023. Issued: June 20, 2023.

09-0240: Mazza Iron and Steel, 60 Solar Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. This action is for the extension of a plan approval for the installation of an electric powered metal shredder and ferrous and non-ferrous metal recovery operations at an existing facility. Application received: June 7, 2023. Issued: June 20, 2023.

15-0110B: Pepperidge Farm, Inc., 421 Boot Road, Downingtown, PA 19335-3043, Downingtown Borough, **Chester County**. This action is for the extension of a plan approval for the installation and operation of two 25-ton capacity use bins for deliveries of flour. Application received: June 2, 2023. Issued: June 20, 2023.

23-0123A: AeroAggregates, LLC, 1500 Chester Pike, Eddystone, PA 19022-1338, Eddystone Borough, **Delaware County**. Plan Approval 23-0123A has been modified to revise the PM emission limit for the Fluidized Bed Dryer (Source ID: 201) to 0.83 tpy using the emission factors with increased flow because of the second silo. Application received: January 18, 2023. Issued: June 26, 2023.

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

Contact: Sheri Guerrieri, PE, New Source Review Chief, 412-442-4174.

PA-65-00713E: Greenridge Reclamation, LLC, 234 Landfill Road, Scottdale, PA 15683, East Huntingdon Township, **Westmoreland County**. In order to allow additional time for the proposed expansion. Application received: May 23, 2023. Issued: June 20, 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.

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

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

32-00448: Keyrock Energy, LLC, Lowry 2 Left Borehole, P.O. Box 2223, Johnson City, TN 37605, Center Township, **Indiana County**. The Department issued a new State Only Operating Permit for Keyrock Energy LLC for the abatement of methane emissions from the Lowry Mine, Lowry 2 Left Borehole. The facility is a Natural Minor. The primary sources at the facility consist of one John Zink enclosed coal mine methane flare rated at 23 MMBtu/hr and a 30 kW non-emergency diesel generator. The potential emissions for this facility are estimated at 20.4 tpy CO and 16.4 tpy NO_x. The new 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: May 9, 2022. Issued: June 20, 2023.

32-00451: Keyrock Energy LLC, Heilwood East Mains Borehole, P.O. Box 2223, Johnson City, TN 37605, Cherryhill Township, **Indiana County**. The Department issued a new State Only Operating Permit for Keyrock Energy LLC for the abatement of methane

emissions from the Heilwood Mine, Heilwood East Mains Borehole. The facility is a Natural Minor. The primary sources at the facility consist of one John Zink enclosed coal mine methane flare rated 22.9 MMBtu/hr and 30 kW non-emergency generator. The potential emissions for this facility are estimated at 20.3 tpy CO and 16.3 tpy NO_x. The new permit also contains emission restrictions, record-keeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: May 27, 2022. Issued: June 20, 2023.

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

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

38-03025: TE Connectivity Corp., 3155 State Rt. 72, Jonestown, PA 17038-8741, Union Township, **Lebanon County**. For the electronic connector manufacturing facility. The State-Only Permit was renewed. Application received: October 11, 2022. Issued: June 15, 2023.

06-03080: FM Browns Sons, Inc., 118 West Main Street, P.O. Box 153, Fleetwood, PA 19522-0153, Fleetwood Borough, **Berks County**. For the flour mill. The State-Only Permit was renewed. Application received: September 26, 2022. Issued: June 20, 2023.

36-05109: OmniMax International, Inc., 450 Richardson Drive, Lancaster, PA 17603, East Hempfield Township, **Lancaster County**. For the exterior home products manufacturing facility. The State-Only Permit was renewed. Application received: November 10, 2022. Issued: June 16, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

21-05027: Sunoco Midstream LLC, 811 Westchester Drive, Suite 600, Dallas, TX 75225, Hampden Township, **Cumberland County**. For the petroleum products distribution terminal. The State-Only Permit was administratively amended to reflect a change of ownership. Application received: May 26, 2023. Issued: June 22, 2023.

07-05024: Sunoco Midstream LLC, 811 Westchester Drive, Suite 600, Dallas, TX 75225, Allegheny Township, **Blair County**. For the petroleum products distribution terminal. The State-Only Permit was administratively amended to reflect a change of ownership. Application received: May 26, 2023. Issued: June 22, 2023.

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

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

09-00008: TAVO Packaging, Inc., 2 Canal Rd, Fairless Hills, Fairless Hills, PA 19030, Falls Township, **Bucks County**. TAVO Packaging, Inc., is a manufacturer of paper containers for the food service industry. This administrative amendment is to incorporate changes under Plan Approval 09-0008A into Operating Permit 09-00008. Changes to the Operating Permit include removal of a yearly VOC emissions limit from lithographic press Source ID 111 and the removal of the presses represented by Source ID Nos. 101 and 110 from the permit. Application received: June 2, 2023. Issued: June 20, 2023.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: David Balog, New Source Review Chief, 814-332-6940.

43-00196: Wabtec US Rail Incorporated, Grove City Engine Plant, 1503 West Main Street Extension, Grove City, PA 16127-2513, Pine Township, **Mercer County**.

The de minimis emission increase is for construction of a new ventilated wash booth operation. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the de minimis emission increase. The following table is a list of the de minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the de minimis emission increases since the Title V Operating Permit issuance on May 24, 2022.

increase of 0.52 tpy VOC resulting from the partial automation of the facility's flammable waste consolidation process at the facility. The process utilizes a RUNI machine that was previously approved under a separate de minimis increase. This is the second de minimis emissions increase at the facility during the term of the current Operating Permit. The current facility-wide de minimis increases for this permit term will now total 0.85 tpy VOC.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
6/5/23	Proposed Ventilated Wash Booth	-	-	-	0.065	-
Total Reported Increases		-	-	-	0.065	-
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

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

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

67-03043: Envirote of Pennsylvania, Inc., 730 Vogelsong Road, York, PA 17404-6707, City of York, **York County**. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions

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

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

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

43-00354: Reclaimed Rubber & Plastics, 15921 South Mosiertown Road, Meadville, PA 16335, Jackson Township, **Mercer County**. The Department denied the renewal of the State Only Operating Permit for Reclaimed Rubber & Plastics for the artificial turf recycling facility. The permit renewal application was denied because the facility failed to submit a maintenance plan pursuant to 25 Pa. Code § 127.11a pertaining to reactivation of sources. Application received: June 30, 2022. Denied: June 20, 2023.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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. 11130103. Laurel Sand & Stone, Inc., P.O. Box 556, Ligonier, PA 15658, Jackson Township, **Cambria County**. Renewal for reclamation only of a bituminous surface and auger mine affecting 264 acres. Receiving streams: unnamed tributaries to/and South Branch of Blacklick Creek and unnamed tributaries to/and Bracken Run, classified for the following use: CWF. Application received: May 1, 2023. Renewal issued: June 20, 2023.

Mining Permit No. 11110201. NPDES No. PA 0263265. Fuel Recovery, Inc., 1501 Ligonier Street, Latrobe, PA 15650, Portage Township, **Cambria County**. Permit renewal for the continued operation and restoration of a bituminous surface mine affecting 71.4 acres. Receiving streams: unnamed tributary to Bens Creek and

Spring Run, classified for the following use: CWF. Application received: March 1, 2023. Renewal issued: June 20, 2023.

Mining Permit No. 11930102. NDPES No. PA0212393. E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722, Dean Township, **Cambria County**. NPDES renewal of a long-term treatment of post mining discharges affecting 21 acres. Receiving streams: Little Laurel Run and Clearfield Creek classified for the following uses: CWF and WWF. Application received: March 6, 2023. Renewal issued: June 20, 2023.

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

Contact: Tracy Norbert 724.925.5500 RA-EPNEW STANTON@pa.gov.

Mining Permit No. 65140101. NPDES No. PA0278122. Ligonier Stone & Lime Company, Inc., 117 Marcia Street, Latrobe, PA 15650, Derry Township, **Westmoreland County**. Renewal issued for continued mining to an existing bituminous surface mine and associated NPDES permit, affecting 92.4 acres. Receiving streams: Unnamed tributaries to Stony Run, Stony Run & Conemaugh River, classified for the following use: CWF. Application received: March 12, 2021. Issued: June 21, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54851603. Carbon & Metal Technologies, LLC, P.O. Box 210, Sacramento, PA 17968, Hubley Township, **Schuylkill County**. Renewal for Reclamation Activities Only of an anthracite coal preparation plant operation affecting 23.6 acres. Receiving stream: Pine Creek, classified for the following uses: CWF, MF. Application received: May 26, 2021. Renewal issued: June 20, 2023.

Mining Permit No. 54851603. GP104 No. PAM121028. Carbon & Metal Technologies, LLC, P.O. Box 210, Sacramento, PA 17968, Hubley Township, **Schuylkill County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: Pine Creek. Application received: June 17, 2021. Coverage issued: June 20, 2023.

Noncoal Permits

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

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

Mining Permit No. 11220803. PAM422006-GP104. Slovikosky Landscaping, LLC, 3780 Colonel Drake Highway, Patton, PA 16668, Allegheny Township, **Cambria County**. Commencement, operation and restoration of a small noncoal (industrial minerals) operation. Coverage under the General NPDES Permit for Stormwater Discharges Associated With Mining Activities (BMP GP-104). Receiving streams: unnamed tributary to Beaverdam Run to Clearfield Creek classified for the following use: CWF. Application received: October 17, 2022. Permit issued: June 22, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.

Mining Permit No. 59232801. Clarence K. Zimmerman, 634 Kennedyville Rd., Wellsboro, PA 16901, Delmar Township, **Tioga County**. New permit issued for a small noncoal (industrial minerals). Receiving stream(s): West Branch Stony Fork classified for the following use(s): EV. Application received: February 28, 2023. Issued: June 20, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 06010301. NPDES Permit No. PA0224146. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Maxatawny Township, **Berks County**. Renew NPDES Permit on a quarry operation affecting 38.4 acres. Receiving stream: Sacony Creek. Application received: September 29, 2021. Renewal issued: June 21, 2023.

Mining Permit No. 64120802. NPDES Permit No. PA0226220. Robert Mackrell, 710 Justus Boulevard, Scott Township, PA 18411, Buckingham Township, **Wayne County**. New NPDES Permit on a quarry operation affecting 6.7 acres. Receiving stream: UNT to Equinunk Creek. Application received: September 24, 2021. Permit issued: June 23, 2023.

Mining Permit No. 58222516. Enrique Vasquez, 1386 Blaisure Road, Montrose, PA 18801, Dimock Township, **Susquehanna County**. GP105 Permit affecting 10.0 acres. Receiving stream: UNT to Meshoppen Creek. Application received: July 21, 2022. Permit issued: June 23, 2023.

Mining Permit No. 58222516. GP104 Permit No. PAM122038. Enrique Vasquez, 1386 Blaisure Road, Montrose, PA 18801, Dimock Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: UNT to Meshoppen Creek. Application received: July 21, 2022. Issued: June 23, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 40234108. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Bear Creek Township, **Luzerne County**. Construction blasting for Rising Light Ridge Camp & Retreat Center. Application received: June 8, 2023. Permit issued: June 9, 2023. Expiration date: June 8, 2024.

Permit No. 36234113. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, Manheim Township, **Lancaster County**. Construction blasting for Grandview Development. Application received: June 8, 2023. Issued: June 14, 2023. Expiration date: June 8, 2024.

Permit No. 36234114. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Mount Joy Township, **Lancaster County**. Construction blasting for Catalyst Commercial Warehouse. Application received: June 9, 2023. Permit issued: June 15, 2023. Expiration date: June 8, 2024.

Permit No. 46234102. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, Worcester Township, **Montgomery County**. Construction blasting for Belleflower Development. Application received: June 13, 2023. Permit issued: June 15, 2023. Expiration date: July 1, 2024.

Permit No. 09234105. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, New Britain Township, **Bucks County**. Construction blasting for High Point. Application received: June 13, 2023. Permit issued: June 25, 2023. Expiration date: July 1, 2024.

Permit No. 36234115. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, West Donegal Township, **Lancaster County**. Construction blasting for Bishop Woods. Application received: June 22, 2023. Permit issued: June 25, 2023. Expiration date: June 22, 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 § 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot

afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

E5829223-001. Keystone Clearwater Solutions LLC, 34 Northeast Dr, Hershey, PA 17033, Springville Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 13, 2023. Issued: June 21, 2023.

To construct, operate, and maintain:

1) a 16-inch temporary freshwater aerial pipeline and temporary bridge crossing impacting 8 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41.705830°, Longitude: -75.860307°),

2) a 16-inch temporary freshwater aerial pipeline and temporary bridge crossing impacting 17 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41.706089°, Longitude: -75.865686°),

3) a 16-inch temporary freshwater aerial pipeline and temporary mat crossing impacting 2,711 square feet (0.06 acre) of PEM wetlands (Springville, PA Quadrangle; Latitude: 41.699375°, Longitude: -75.883635°),

4) a 16-inch temporary freshwater aerial pipeline and temporary bridge crossing impacting 30 lineal feet of Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41.699437°, Longitude: -75.883977°),

5) a 16-inch temporary freshwater aerial pipeline and temporary mat crossing impacting 1,173 square feet (0.03 acre) of PEM wetlands (Springville, PA Quadrangle; Latitude: 41.699467°, Longitude: -75.884143°).

The Brooks Impoundment TWL Interconnection project consists of a single, approximate 2.8-mile long, 16-inch diameter HDPE or lay-flat overland, temporary freshwater pipeline in Springville Township, Susquehanna County. The project will result in 55 lineal feet of temporary stream impacts and 3,884 square feet (0.09 acre) of PEM wetland impact for the purpose of providing water for natural gas well development.

E5929222-010. Delmar Midstream LLC, 2620 Egypt Road, Norristown, PA 19403, Delmar Township and Shippen Township, **Tioga County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 19, 2022. Issued: June 23, 2023.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and an 8 inch diameter pipeline impacting 861 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41.689267°, -77.421011°);

2) A temporary road crossing using timber mats and an 8 inch diameter pipeline impacting 105 linear feet of an

unnamed tributary to West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41.689242°, -77.418436°);

3) A temporary road crossing using timber mats and an 8 inch diameter pipeline impacting 50 linear feet of an unnamed tributary to West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41.689242°, -77.413078°);

4) A temporary road crossing using timber mats and an 8 inch diameter pipeline impacting 7,438 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 50 linear feet of West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41.688639°, -77.410156°).

The project will result in 155 linear feet of temporary stream impacts and 8,299 square feet (0.191 acre) of temporary wetland impacts all for the purpose of installing a natural gas pipeline in Delmar and Shippen Township, Tioga County.

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

Contact: Stephen Kardohely, Project Manager, 814-342-8216.

E1804223-001. John W. Davis Jr., 870 Shirk Hollow Rd, Lock Haven, PA 17745, Woodward Township, **Clinton County**. U.S. Army Corps of Engineers Baltimore District.

The Department of Environmental Protection has issued a Chapter 105 water obstruction and encroachment permit to John W. Davis Jr. for the installation and maintenance of a 210 linear foot stream enclosure consisting of 36-inch diameter corrugated plastic pipe in an unnamed tributary to Reeds Run. The project also includes 15 feet of rip-rap outlet protection, to protect an existing home, eliminate steep slopes and improve property access. There are no anticipated adverse impacts to waters of the U.S. or aquatic resources from this crossing project. The drainage area at the crossing site is 48.5 acres. The receiving stream Reeds Run Run is listed in 25 Pa. Code Chapter 93 designation as a Cold Water Fishery (CWF) with Migratory Fish (MF). Latitude: 41° 9' 59.97", Longitude: -77° 26' 33.72". Application received: February 23, 2023. Issued: June 15, 2023.

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.

E4002122-008. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Bear Creek Township, **Luzerne County**. U.S. Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with the SR 2035 Section 353 Project: 1. The removal of the existing structure and to construct and maintain an 89-foot wide single span concrete arch culvert and to construct and maintain appurtenant structure features. The structure will carry SR 2035 across Bear Creek (HQ—CWF, MF) and have a 32-foot normal clear span and a 6-foot minimum underclearance. (Impact CR-1) 2. The removal of the existing structure and to construct and maintain a 63-ft long, 24-inch RCP culvert and to construct and maintain appurtenant features. The structure will carry SR 2035 across a Tributary to Bear Creek (HQ—CWF, MF). (Impact CR-2) 3. The relocation of 37-LF of stream and

associated floodway of a tributary to Bear Creek (HQ—CWF, MF) to accommodate the SR 2035 fill slope. (Impact FILSC-1) 4. The relocation of 33-LF of stream and associated floodway of a tributary to Bear Creek (HQ—CWF, MF) to accommodate the SR 2035 fill slope. The stream will also be extended approximately 100-ft to outlet in Bear Creek. (Impact FILSC-2) The project is located along SR 2035 Section 353 Segment 0090, Offset 0000, approximately 0.25 mile north of the SR 2035/SR 2036 intersection (Pleasant View Summit, PA Quadrangle Latitude: 41° 14' 50.91"; Longitude: -75° 41' 25.60") in Bear Creek Township, Luzerne County. Latitude: 41° 14' 50.91", Longitude: -75° 41' 25.60". Application received: August 16, 2022.

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

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

E0306123-002. PA DOT Engineering District 10, 2550 Oakland Avenue, Indiana, PA 15701, Plumcreek Township, **Armstrong County.** U.S. Army Corps of Engineers Pittsburgh District.

Remove the existing structure and to construct and maintain a composite pre-stressed concrete PA bulb-tee beam bridge having a normal span of 57.52 feet, an underclearance of 8.3 feet and an out-to-out width of 43.22 feet along SR 2005 (known locally as Brick Church Road) over Cherry Run (CWF) resulting in a total of 244 feet of permanent stream impacts and 318 feet of temporary stream impacts (Whitesburg, PA Quadrangle N: 40.68856°; W: 79.41822°) in Plumcreek Township, Armstrong County. Latitude: 40.68856°, Longitude: -79.41822°. Application received: March 20, 2023. Issued: June 14, 2023.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700, 717-705-4802.

E3803223-001. North Cornwall Township, 320 South 18th Street, Lebanon, PA 17042-5775, North Cornwall Township, **Lebanon County.** U.S. Army Corps of Engineers Baltimore District.

To relocate the pump station building permanently impacting 0.18 acre of the floodplain of Quittaphilla Creek (TSF, MF). All proposed impacts are for the purpose of upgrading the pumping station's total capacity and electric mechanisms. The project is located at the Dairy Road Pumping Station (Lat: 40.3367, Long: -76.4658). There are no impacts to wetlands proposed. Latitude: 40.3367°, Longitude: -76.4658°. Application received: February 13, 2023. Issued: June 26, 2023.

E2103223-001. Silver Spring Township, 8 Flowers Drive, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County.** U.S. Army Corps of Engineers Baltimore District.

To install two pickleball courts at Hidden Creek Park. The project is located at Hidden Creek Park in Silver Spring Township, Cumberland County (40.2557, -76.0105) Latitude: 40.2557°, Longitude: -76.0105°. Application received: February 13, 2023. Issued: June 22, 2023.

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

Contact: Dana Drake, Program Manager.

E5605221-006. Carrie Morchesky, 1111 Mechling Road, Greensburg, PA 15601, Indian Lake Borough, **Somerset County.** U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: Operate and maintain two boat slips and an associated boat house (40-ft long x 30-ft wide), within an approximately 50-ft x 30-ft area, with a depth of 6.8-ft, that was excavated along 30 ft of Indian Lake (CWF) shoreline, for the purpose of creating recreational boat slips and a boat house. The project will permanently affect 30 LF of Indian Lake shoreline. The project is located at 1263 Peninsula Drive, Central City, PA 15926 (Stoystown, PA USGS topographic quadrangle; Latitude: 40° 02' 21.43"; Longitude: -78° 52' 32.22"; Subbasin 18E) Latitude: 40° 02' 21.43", Longitude: -78° 52' 32.22". Application received: December 16, 2021. Issued: June 22, 2023.

DAM SAFETY

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

Contact: Ryan Knarr, Civil Engineer Consultant Hydraulic, 717-772-5943.

D58-020. PA American Water Company, Kurt Staller, Project Manager, 852 Wesley Drive, Mechanicsburg, PA 17055, Bridgewater Township, **Susquehanna County.** To modify, operate, and maintain Lake Montrose Dams across Snake Creek (CWF, MF), impacting 0 acre of wetlands and 10 feet of stream and providing 0 acre of wetland mitigation, for the purpose of rehabilitating the dam and increasing spillway capacity to meet the current DEP regulations Application received: February 10, 2021. Issued: June 13, 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 **ESG295823014-00**
 Applicant Name **Williams Field Services Co LLC**
 Contact Person Barry Mahar
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 Township(s) Auburn Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) UNT to Riley Creek # 73530 (CWF, MF)
 Application received: June 5, 2023
 Issued: June 22, 2023

ESCGP # 3 **ESG295823009-00**
 Applicant Name **Coterra Energy, Inc.**
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275-1121
 Township(s) Lenox Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) Millard Creek (CWF, MF)
 Application received: March 27, 2023
 Issued: June 22, 2023

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

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

ESCP # **ESX181290008-01**
 Applicant Name **Olympus Energy, LLC**
 Contact Person Brian Dillemath
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 Township(s) Rostraver Township
 County **Westmoreland County**
 Receiving Stream(s) and Classification(s) UNT to Gillespie Run, WWF
 Application received: May 23, 2023
 Renewal issued: June 22, 2023

ESCGP # 3 **ESG073023009-00**
 Applicant Name **CNX Gas Company, LLC**
 Contact Person Robert Bassett
 Address 1000 Horizon Vue Drive
 City, State, Zip Canonsburg, PA 15317
 Township(s) Morris Township
 County **Greene County**
 Receiving Stream(s) and Classification(s) UNT to Bates Fork, HQ—WWF
 Application received: March 31, 2023
 Issued: June 22, 2023

ESCGP # 3 **ESG073022016-01**
 Applicant Name **DTM Appalachia Gathering, LLC**
 Contact Person John Dzurko
 Address 1000 Noble Energy Drive, 5th Floor
 City, State, Zip Canonsburg, PA 15317
 Township(s) Jefferson Township
 County **Greene County**
 Receiving Stream(s) and Classification(s) UNT to Muddy Creek, WWF (four discharge points)
 Application received: May 25, 2023
 Issued: June 22, 2023

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The Following Storage Tank Site-Specific Installation Permit(s), Under the Authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and Under 25 Pa. Code Chapter 245, Subchapter C, Have Been Issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Application No. **23001**
 Applicant Name **Covanta Delaware Valley, L.P.**
 Address 10 Highland Avenue
 City, State, Zip Chester, PA 19013
 County **Delaware County**
 Municipality City of Chester
 Tank Type One AST storing aqueous ammonia
 Tank Capacity 35,000 gallons
 Application Received June 22, 2023
 Permit Issued June 22, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

DEP has received the following plans and reports.

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.

Osceola Big M 0148 5697, Storage Tank Facility ID # **59-70659**, 7732 State Route 49, Osceola, PA 16942, Osceola Township, **Tioga County**. EnviroTrac Ltd, 176 Thorn Hill Road, Warrendale, PA 15086 on behalf of Evergreen Resource Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Unleaded Gasoline and Diesel Fuel. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Sunoco Lewisburg Term 0000-1306, Storage Tank Facility ID # **60-22710**, 2002 West Market Street, Lewisburg, PA 17837, East Buffalo Township, **Union County**. Aquaterra Technologies Inc., 901 S. Bomar St, Suite 1A, West Chester, PA 19382, on behalf of Terminal Operations, a series of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Leaded and Unleaded Gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

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

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

Lukoil 69703, Storage Tank Facility ID # **46-42593**, 101 Crawford Ave., Conshohocken, PA 19428, West Conshohocken Borough, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2&3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 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 standards.

Global Montello Group 3429, Storage Tank Facility ID # **23-42808**, 799 Upland Ave., Upland, PA 19015, Upland Borough, **Delaware County**. Geo-Enviro Consulting & Remediation LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 08854, on behalf of Greyhound Upland Petroleum Storage Company, 799 Upland Avenue, Upland, PA 19015 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

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

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

Red Star Express, Storage Tank Facility ID # **02-80940**, Avenue B, Buncher Commerce Park, Leetsdale, PA 15056, Leetsdale Borough, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of The Buncher Company, 1251 Waterfront Place, Suite 201, Pittsburgh, PA 15222 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel/gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

C&D Auto Service, Storage Tank Facility ID # **02-10474**, 1265 Chartiers Avenue, McKees Rocks, PA 15136, McKees Rocks Borough, **Allegheny County**. Flynn Environmen-

tal, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Frank Bryan, Inc., 1263 Chartiers Avenue, McKees Rocks, PA 15136 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

DEP has received the following plans and reports.

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.

Former Sheetz 165, Storage Tank Facility ID # **53-06321**, 208 Sout Main Street, Coudersport, PA 16915, Coudersport Borough, **Potter County**. EnviroTrack, Ltd, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on June 22, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

J.A. & W.A. Hess Ready Mix, Storage Tank Facility ID # **40-51043**, 10 Hess Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of J.A. & W.A. Hess, Inc., 10 Hess Road, Hazleton, PA 18202 submitted a Remedial Action Plan concerning remediation of soil contaminated with diesel. The plan was not acceptable to meet the site-specific standards and was disapproved by DEP on June 22, 2023.

Uni Mart 44343, Storage Tank Facility ID # **40-36683**, 901 Wyoming Avenue, Wyoming, PA 18644, Wyoming Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Fuel Up Trucksville, LLC, 10 Nittany Lane, Wilkes-Barre, PA 18702 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was acceptable to meet the site-specific standards and was approved by DEP on June 22, 2023.

Easton Ave Mart, Storage Tank Facility ID # **48-22836**, 2900 Easton Avenue, Bethlehem, PA 18017, Bethlehem Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Community First Fund, 51 South Duke Street, Suite 400, Lancaster, PA 17608 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on June 23, 2023.

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

Contact: Chris, 724-598-2206.

Last Minit Mart New Castle, Storage Tank Facility ID # **37-30260**, 511 Montgomery Ave, New Castle, PA 16102, City of New Castle, **Lawrence County**. Letterle & Associates, Inc., 191 Howard Street, Franklin, PA 16323, on behalf of Reed Oil Company, 511 Montgomery Ave, New Castle, PA 16102 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded gasoline. The plan nonresidential was acceptable to meet the site-specific standards and was approved by DEP on June 26, 2023.

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

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

Welsh's Service Station, Storage Tank Facility ID # **04-06424**, 117 South River Road, Ellwood City, PA 16117, Franklin Township, **Beaver County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Welsh's Service Station, 117 South River Road, Ellwood City, PA 16117 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded petroleum. The report nonresidential demonstrated attainment of the site-specific standards and was approved by DEP on June 13, 2023.

DeBaldo Sales and Service, Storage Tank Facility ID # **02-80057**, 3451 Harts Run Road, Glenshaw, PA 15116, Indiana Township, **Allegheny County**. Environmental Geo-Services, 40 Callahan Road, Greenville, PA 16125, on behalf of Orlando DeBaldo, 3451 Harts Run Road, Glenshaw, PA 15116 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on June 12, 2023.

Sunoco # 0363-8822, Storage Tank Facility ID # **65-21483**, 140 West Pittsburgh Street, Greensburg, PA 15601, City of Greensburg, **Westmoreland County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sunoco Retail, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on June 22, 2023.

SPECIAL NOTICES

WATER PROGRAMS

EROSION AND SEDIMENT CONTROL

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

Contact: RA-EPREGIONALPERMIT@pa.gov.

ESG000422001-00. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. Proposed Line 1360 Replacement Project, Monaca Borough, Center Township and Hopewell Township, **Beaver County**. The project is proposing to replace approximately 2.78 miles of 16-inch diameter natural gas pipeline.

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG000422001-00	Columbia Gas Transmission LLC P.O. Box 1273 1700 MacCorkle Avenue SE Charleston, WV 25325	Beaver County	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural

Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v.*

Sec'y, Dep't of Envtl 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 Envtl 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 Envtl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

WATER OBSTRUCTIONS AND ENCROACHMENTS

The following permit application has been received by the Department. Persons objecting to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Regional Permit Coordination Office as noted before 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 Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates.

More information regarding the permit applications related to this proposed project may be available online (dep.pa.gov/pipelines) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or RA-EPREGIONALPERMIT@pa.gov.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

Persons with a disability that require an auxiliary aid, service or other accommodation should contact the specified Department office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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).

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov

E0483223-004, Eastern Gas Transmission & Storage, Inc., 6603 West Broad Street, Richmond, VA 23230; Norwood Drive LN-25/LN-35 Exposure Repair Project.

To construct and maintain a stream restoration project in approximately 40 feet of Stockman Run (WWF) for the

purpose of protecting two exposed existing 20-inch diameter natural gas pipelines, LN-25 and LN-35. The work includes the installation of in-stream grade control structure (cross vane and bank stabilization) live stake plantings and erosion control matting.

The project is located along Norwood Drive approximately 800 feet from the intersection of State Route 18 (Beaver Falls, PA Quadrangle Latitude: 40.8277°; Longitude: -80.3264) in Big Beaver Borough and Koppel Borough, **Beaver County**.

[Pa.B. Doc. No. 23-891. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Draft Technical Guidance Document

DEP ID: 800-2200-001. **Title:** Guidelines for the Development and Implementation of Oil and Gas Well Site Integrated Contingency Plans for Unconventional Well Sites. **Description:** This draft guidance provides guidance to unconventional operators on expected and useful information to be included in unconventional well site Emergency Response Plans and Preparedness, Prevention and Contingency Plans. The main goal of the document is to provide Commonwealth unconventional gas operators a practical, consolidated option for meeting multiple emergency or contingency planning requirements under multiple State regulations. This guidance document covers multiple factors as related to regulated substances, accident prevention, mitigation and emergency response at well sites.

Written Comments: Interested persons may submit written comments on this interim final guidance by August 7, 2023. Comments submitted by facsimile will

not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are urged to submit comments using the Department of Environmental Protection's online eComment for policies at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State

Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov.

Contact: Joseph Kelly, (717) 772-5991, josephkel@pa.gov

Effective Date: July 8, 2023

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-892. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

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

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

Act 101, Section 901 Planning Grant

Region	County	Applicant	Project	Grant
Northwest	Clarion	Clarion County	Plan Revision	\$53,600

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-893. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Water System Technical Assistance Center Board Meeting Cancellation

The July 13, 2023, meeting of the Public Water System Technical Assistance Center Board (Board) is cancelled. The next Board meeting is scheduled for Thursday, October 26, 2023, beginning at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Individuals may attend Board meetings in person or remotely. The agenda and meeting materials, including information on how to join meetings remotely, will be available on the Board's webpage found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <https://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Water," then "Public Water System Technical Assistance Center (TAC)"). Individuals are encouraged to visit the Board's webpage to confirm meeting date, time, location and remote participation options prior to each meeting.

Questions concerning the cancellation of the July 13, 2023, Board meeting or the October 26, 2023, Board

meeting should be directed to Dawn Hissner, Bureau of Safe Drinking Water, at dhissner@pa.gov or (717) 772-2189.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5809, 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,
Secretary

[Pa.B. Doc. No. 23-894. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold public meetings at the Penn Harris Hotel, 1150 Camp Hill Bypass, Camp Hill,

PA on Wednesday, July 26, 2023, from 9 a.m. to 4:30 p.m. and on Thursday, July 27, 2023, from 9 a.m. to 4:30 p.m.

Participants can also access the meetings virtually through the following options:

To join Microsoft Teams meetings, individuals will need to connect by phone; this can be done by dialing the following number and entering the meeting ID listed as follows:

Day 1: Main Meeting

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 558 305 91#
<https://bit.ly/JulyHPGDay1>

Day 2: Main Meeting

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 893 444 018#
<https://bit.ly/JulyHPGDay2>

Day 2: Subcommittee Breakout Meeting

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 201 768 235#
<https://bit.ly/JulySubcommittee>

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention Integrated HIV Surveillance and Prevention Programs for Health Departments grant. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Kyle Fait, Planning Coordinator, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 260-8929, 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 Department reserves the right to cancel these meetings without prior notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-895. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Thursday,

August 3, 2023, from 10 a.m. to 1:30 p.m. The purpose of the meeting is to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness activities, recommend priorities in expenditures from the Organ and Tissue Donation Awareness Fund (Fund) and advise the Secretary of Health on matters relating to the administration of the Fund. The meeting will be held at the Department of Health, 625 Forster Street, 10th Floor, Room 1000, Harrisburg, PA. There will be a virtual option available using Microsoft Teams. The information for calling into the meeting is to dial (267) 332-8737 and enter conference ID 906 633 596#. Contact the Organ Donation Program at (717) 787-5876 or ra-dhorgandonation@pa.gov to RSVP or with any questions regarding the meeting. It is requested that all RSVP responses are received no later than July 28, 2023.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Amy Flaherty, Director, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-896. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the Renal Disease Treatment Act (35 P.S. § 6204), will hold its quarterly public meeting on Friday, July 21, 2023, from 10 a.m. to 12 p.m. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment. To join the call, dial (267) 332-8737 and when prompted, enter the following conference code: 485708981#. Attendees can participate in the conference call on location at the Bureau of Family Health Office, 625 Forster Street, Harrisburg, PA 17120. In-person participants are asked to RSVP to Josh Goodling, josgoodlin@pa.gov, (717) 772-2762, by close of business on July 14, 2023. On arrival, sign in at the front desk in the lobby of the building by 9:45 a.m. to await an escort to the meeting room. The meeting agenda will be posted on the Chronic Renal Disease Program's web site at <https://www.health.pa.gov/topics/programs/Chronic-Renal-Disease/Pages/Advisory-Committee.aspx> at least 24 hours prior to the meeting date and time.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathy Jo Stence, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired

persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-897. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments and Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2022-2023 for several classes of inpatient disproportionate share hospital (DSH) and supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 52 Pa.B. 7979 (December 24, 2022). The Department increased the funding allocation for three payments that were announced in its notice of intent:

DSH payments to qualifying acute care general hospitals that, in partnership with an independent facility listed as a cleft and craniofacial team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities were increased to \$1.188 million in total funds.

Supplemental payments to qualifying acute care general hospitals that provide medical and surgical ocular services to MA beneficiaries to ensure continued access to these critical eye related services were increased to an allocation of \$7.932 million in total funds.

Supplemental payments to qualifying acute care general hospitals that provide a substantial portion of their inpatient services to MA beneficiaries were increased to \$2.665 million in total funds.

These revised funding allocations did appear on the State Plan pages submitted to the Centers for Medicare & Medicaid Services and approved on March 1, 2023.

The Department received no comments during the 30-day comment period. The Department will implement the total payment set forth in the notice of intent and as previously noted.

Fiscal Impact

The FY 2022-2023 impact, as a result of the funding allocation for these payments, is \$469.697 million in total funds.

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1581. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) MA—Fee-for-Service; (2) Implementing Year 2022-23 is \$157,750,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2022-23 is \$22,111,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$21,448,000; 2020-21 Program—\$21,749,000; 2019-20 Program—\$21,092,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2022-23 is \$3,136,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$9,613,000; 2020-21 Program—\$9,618,000; 2019-20 Program—\$7,502,000;

(7) MA—Autism Intervention; (2) Implementing Year 2022-23 is \$538,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$27,493,000; 2020-21 Program—\$27,262,000; 2019-20 Program—\$27,052,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 23-898. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule Revisions; End-Dating COVID-19 Pharmacy Specimen Collection and Laboratory Testing Procedure Codes

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the end-dating of three procedure codes related to the novel coronavirus (COVID-19) specimen collection by pharmacies and testing by laboratories, effective with dates of service on and after May 12, 2023.

Background

On April 13, 2020, the Department of State issued guidance that granted licensed pharmacists the authority to order, administer tests and communicate results for COVID-19 tests. In response, the Department added the COVID-19 specimen collection procedure code G2023 to the Medical Assistance (MA) Program Fee Schedule to be used for collection of the COVID-19 specimen by a licensed pharmacist. This guidance is no longer in effect as of the end of the COVID-19 public health emergency (PHE) and therefore the procedure code will be end-dated, for dates of service on and after May 12, 2023.

On April 14, 2020, the Centers for Medicare & Medicaid Services announced the creation of two new laboratory procedure codes to provide a higher payment for use of high-throughput technologies for increased testing capacity for the COVID-19 PHE. In response, the Department added procedure codes U0003 and U0004 to the MA Program Fee Schedule to be used for laboratory testing to detect SARS-CoV-2 virus. At the end of the COVID-19 PHE, these procedure codes will be end-dated, for dates of service on and after May 12, 2023. Outpatient clinics and

laboratories can continue to bill for laboratory testing for COVID-19 with procedure codes U0001 or U0002.

Procedure Codes Being End-dated

The Department is end-dating the following procedure codes from the MA Program Fee Schedule, effective with dates of service on and after May 12, 2023:

<i>Procedure Codes</i>		
G2023	U0003	U0004

Fiscal Impact

The Department does not anticipate a fiscal impact associated with this change.

Public Comment

Interested persons are invited to submit written comments regarding the end-dating of the procedure codes indicated in this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or to RA-PWMAProgComments@pa.gov. Comments received will be reviewed and considered for any subsequent revision of the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1585. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-899. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Pharmacy Prior Authorization

The Department of Human Services (Department) announces it will add Amyloid-Targeted Monoclonal Antibodies and the following drugs that are not included on the Statewide Preferred Drug List to the Medical Assistance (MA) Program's list of services and items requiring prior authorization: gene therapy drugs, chimeric antigen receptor T-cell (CAR-T) drugs, drugs approved by the United States Food and Drug Administration (FDA) through the Accelerated Approval, Priority Review, Breakthrough Therapy or Fast Track programs, drugs classified as orphan drugs by the FDA, Tziel (teplizumab) and Vuity (pilocarpine).

Section 443.6(b)(7) of the Human Services Code (62 P.S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for Amyloid-Targeted Monoclonal Antibodies and the following drugs that are not included on the

Statewide Preferred Drug List: gene therapy drugs, CAR-T drugs, drugs approved by the FDA through the Accelerated Approval, Priority Review, Breakthrough Therapy or Fast Track programs, drugs classified as orphan drugs by the FDA, Tziel (teplizumab) and Vuity (pilocarpine). These prior authorization requirements apply to prescriptions dispensed on or after July 10, 2023.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for Amyloid-Targeted Monoclonal Antibodies and the following drugs that are not included on the Statewide Preferred Drug List: gene therapy drugs, CAR-T drugs, drugs approved by the FDA through the Accelerated Approval, Priority Review, Breakthrough Therapy or Fast Track programs, drugs classified as orphan drugs by the FDA, Tziel (teplizumab) and Vuity (pilocarpine).

Fiscal Impact

These changes are estimated to result in minimal savings in the MA Fee-for-Service Program.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

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,
Secretary

Fiscal Note: 14-NOT-1587. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-900. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Determination of the Average Wholesale Price of Prescription Drugs by the Department

Under 34 Pa. Code § 127.131(b) (relating to payments for prescription drugs and pharmaceuticals—generally), the Department of Labor and Industry, Bureau of Workers' Compensation, gives notice that it utilizes the *Merative Micromedex Red Book* to determine the average wholesale price of prescription drugs.

NANCY WALKER,
Secretary

[Pa.B. Doc. No. 23-901. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy), the Department of Labor and Industry, Bureau of Workers' Compensation (Bureau) gives notice of the range of fees charged by Utilization Review Organizations (URO) and Peer Review Organizations (PRO) for services performed under the Workers' Compensation Act (act) (77 P.S. §§ 1—1041.4 and 2501—2710) during 2022.

2022 Range of Fees Charged by UROs and PROs

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Alico Services LTD	\$899.14	\$5,372.56
American Review Systems, Inc.	\$708.40	\$7,253.74
CAB Medical Consultants	\$550.00	\$9,575.00
Caduceus Lex Medical Auditing	\$641.00	\$5,895.81
CEC, Inc.	\$1,000.00	\$5,951.45
Chiro Med Review Co.	\$444.06	\$6,054.71
De Novo Management	\$570.44	\$4,050.96
Disability Management Consultants, LLC	\$2,000.00	\$9,029.42
Disability Review Services, LLC	\$2,000.00	\$6,845.76
DLB Services	\$447.54	\$4,052.25
Hajduk & Assoc. URO/PRO Services	\$767.90	\$4,357.80
Industrial Rehabilitation Associates	\$775.00	\$4,500.00
Keystone Medical Auditing	\$313.36	\$6,353.79
KVS Consulting Services	\$711.86	\$15,904.81
Laurel Reviews	\$727.65	\$4,340.68
Margroff Review Services	\$613.96	\$8,689.25
McBride & McBride Associates	\$669.18	\$7,112.44
Physio Solutions, LLC	\$905.11	\$9,975.00
Quality Assurance Reviews, Inc.	\$700.00	\$6,380.00
Rachels Reviews	\$510.00	\$5,242.62
RonRave Reviews, LLC	\$603.56	\$4,020.00
T & G Reviews	\$850.00	\$8,650.43
Uniontown MRPC	\$345.21	\$5,006.54
Watson Review Services	\$575.75	\$4,415.44
West Penn IME, Inc.	\$767.14	\$5,956.25

34 Pa. Code § 127.667(b): The Bureau will publish in the *Pennsylvania Bulletin*, on an annual basis, the range of fees charged by each URO and PRO for services performed under the act and this chapter during the preceding year.

NANCY WALKER,
Secretary

[Pa.B. Doc. No. 23-902. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Buried Treasure Fast Play Game 5201

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Buried Treasure (“Buried Treasure”). The game number is PA-5201.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *BURIED TREASURE*: The area at the bottom of a Buried Treasure game ticket containing four play/prize symbols that, when matched according to the instructions, determines whether the player wins a prize. “BURIED TREASURE” is played separately.

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *MAP MONEY*: The area at the top of a Buried Treasure lottery game ticket containing one play/prize symbol that, when played according to the instructions, determines whether the player increases the total prize won by any prize amount that appears. "MAP MONEY" prizes cannot be won alone.

(h) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased and then resets to the minimum prize amount whenever a top prize-winning ticket is sold.

(i) *Play*: A chance to participate in a particular Fast Play lottery game.

(j) *Play Area*: The area on a ticket which contains one or more play symbols.

(k) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(l) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Buried Treasure ticket is \$5.

4. *Description of the Buried Treasure Fast Play lottery game*:

(a) The Buried Treasure lottery game is an instant win game printed from a Lottery Terminal. With the exception of the "PROGRESSIVE TOP PRIZE," all prizes are predetermined, and the player does not have the ability to select their own play symbols. Buried Treasure tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Buried Treasure is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this

manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. Whenever a player wins a prize in the "YOUR NUMBERS" area and a prize amount appears in the "MAP MONEY" area, the player adds the amount shown to the total won and wins that amount. A bet slip is not used to play this game.

(c) Buried Treasure tickets contain a "BURIED TREASURE" area. Players matching three like prize amounts in the "BURIED TREASURE" area will win that prize amount. Players matching two like prize amounts and a Treasure Chest (TRIPLER) symbol in the "BURIED TREASURE" area will win three times that prize amount.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Buried Treasure tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Buried Treasure ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Buried Treasure ticket and select the Buried Treasure option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Buried Treasure ticket characteristics*:

(a) Buried Treasure tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Buried Treasure tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "MAP MONEY" area and a "BURIED TREASURE" area. "BURIED TREASURE" is played separately. The play symbols and their captions, located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play/prize symbols and their captions, located in the "MAP MONEY" area, are: Anchor (NOWIN) symbol, Barrel (NOWIN) symbol, Binoculars (NOWIN) symbol, Compass (NOWIN) symbol, Crab (NOWIN) symbol, Coins (NOWIN) symbol, Hook (NOWIN) symbol, Telescope (NOWIN) symbol, \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$300 (THR HUN). The play/prize symbols and their captions, located in the "BURIED TREASURE" area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and a Treasure Chest (TRIPLER) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and PROG (TOP PRIZE).

(d) *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$1,000 and the “PROGRESSIVE TOP PRIZE.” The “PROGRESSIVE TOP PRIZE” amount starts at \$75,000 and increases by \$0.30 every time a Buried Treasure ticket is purchased. When a “PROGRESSIVE TOP PRIZE” winning ticket is sold, the “PROGRESSIVE TOP PRIZE” resets to \$75,000. Buried Treasure contains a feature that can multiply certain prizes. Buried Treasure also contains a feature that can increase the total won. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to 14 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 720,000 tickets will be available for sale for the Buried Treasure lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Buried Treasure prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of PROG (TOP PRIZE) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$75,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which two play/prize symbols of \$300 (THR HUN) and a Treasure Chest (TRIPLER) symbol appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$900.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the Prize areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the Prize areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the Prize areas, a prize symbol of \$300 (THR HUN) appears in one of the Prize areas, a prize symbol of \$100 (ONE HUN) appears in one of the Prize areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the Prize areas, and upon which a play/prize symbol of \$100 (ONE HUN) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$850.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the Prize areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the Prize areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the Prize areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the Prize areas, and upon which a play/prize symbol of \$300 (THR HUN)

appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$700.

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

(h) Holders of tickets upon which three play/prize symbols of \$300 (THR HUN) appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which two play/prize symbols of \$100 (ONE HUN) and a Treasure Chest (TRIPLER) symbol appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$300.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the Prize areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in five of the Prize areas, and upon which a play/prize symbol of \$30⁰⁰ (THIRTY) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$255.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in four of the Prize areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the Prize areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in three of the Prize areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the Prize areas, and upon which a play/prize symbol of \$50⁰⁰ (FIFTY) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in two of the Prize areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the Prize areas, and upon which a play/prize symbol of \$100 (ONE HUN) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a play/prize symbol of \$50⁰⁰ (FIFTY) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$150.

(n) Holders of tickets upon which two play/prize symbols of \$50⁰⁰ (FIFTY) and a Treasure Chest (TRIPLER) symbol appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$150.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which three play/prize symbols of \$100 (ONE HUN) appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in three of the Prize areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in three of the Prize areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the Prize areas, and upon which a play/prize symbol of \$30⁰⁰ (THIRTY) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which two play/prize symbols of \$30⁰⁰ (THIRTY) and a Treasure Chest (TRIPLER) symbol appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$90.

(s) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a play/prize symbol of \$30⁰⁰ (THIRTY) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$80.

(t) Holders of tickets upon which two play/prize symbols of \$20⁰⁰ (TWENTY) and a Treasure Chest (TRIPLER) symbol appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$60.

(u) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which three play/prize symbols of \$50⁰⁰ (FIFTY) appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a play/prize symbol of \$30⁰⁰ (THIRTY) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which two play/prize symbols of \$15⁰⁰ (FIFTEEN) and a Treasure Chest (TRIPLER) symbol appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$45.

(y) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the Prize areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas, and upon which a play/prize symbol of \$10⁰⁰ (TEN DOL) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the Prize areas, and upon which a play/prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$35.

(aa) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which three play/prize symbols of \$30⁰⁰ (THIRTY) appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which two play/prize symbols of \$10⁰⁰ (TEN DOL) and a Treasure Chest (TRIPLER) symbol appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$30.

(dd) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a play/prize symbol of \$20⁰⁰ (TWENTY) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$30.

(ee) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas, and upon which a play/prize symbol of \$10⁰⁰ (TEN DOL) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which three play/prize symbols of \$20⁰⁰ (TWENTY) appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$20.

(hh) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, and upon which a play/prize symbol of \$10⁰⁰ (TEN DOL) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$20.

(ii) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(jj) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the Prize areas, and upon which a play/prize symbol of \$5⁰⁰ (FIV DOL) appears in the "MAP MONEY" area, on a single ticket, shall be entitled to a prize of \$15.

(kk) Holders of tickets upon which three play/prize symbols of \$15⁰⁰ (FIFTEEN) appear in the "BURIED TREASURE" area, on a single ticket, shall be entitled to a prize of \$15.

(ll) Holders of tickets upon which two play/prize symbols of \$5⁰⁰ (FIV DOL) and a Treasure Chest (TRIPLER)

symbol appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$15.

(mm) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a play/prize symbol of \$5^{.00} (FIV DOL) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$15.

(nn) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a play/prize symbol of \$10^{.00} (TEN DOL) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$15.

(oo) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(pp) Holders of tickets upon which three play/prize symbols of \$10^{.00} (TEN DOL) appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$10.

(qq) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which a play/prize symbol of \$5^{.00} (FIV DOL) appears in the “MAP MONEY” area, on a single ticket, shall be entitled to a prize of \$10.

(rr) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(ss) Holders of tickets upon which three play/prize symbols of \$5^{.00} (FIV DOL) appear in the “BURIED TREASURE” area, on a single ticket, shall be entitled to a prize of \$5.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“MAP MONEY”:</i>	<i>“BURIED TREASURE”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
		3—\$5s	\$5	18.18	39,600
\$5			\$5	20	36,000
\$5 × 2			\$10	200	3,600
\$5	\$5		\$10	33.33	21,600
		3—\$10s	\$10	33.33	21,600
\$10			\$10	192.31	3,744
\$5 × 3			\$15	1,000	720
\$5	\$10		\$15	1,000	720
\$10	\$5		\$15	90.91	7,920
		(2—\$5s) w/ TREASURE CHEST	\$15	83.33	8,640
		3—\$15s	\$15	90.91	7,920
\$15			\$15	1,000	720
\$10 × 2			\$20	1,000	720
\$5		(2—\$5s) w/ TREASURE CHEST	\$20	111.11	6,480
\$5	\$5	3—\$10s	\$20	125	5,760
\$10	\$10		\$20	125	5,760
		3—\$20s	\$20	1,250	576
\$20			\$20	2,000	360
\$10 × 3			\$30	2,000	360

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<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MAP MONEY":</i>	<i>"BURIED TREASURE":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
\$5 × 2	\$5	(2—\$5s) w/ TREASURE CHEST	\$30	434.78	1,656
\$10	\$20		\$30	500	1,440
		(2—\$10s) w/ TREASURE CHEST	\$30	476.19	1,512
		3—\$30s	\$30	500	1,440
\$30			\$30	2,000	360
\$10 × 5			\$50	4,800	150
\$20 + \$15 + \$10 + \$5			\$50	4,800	150
\$5 × 2	\$10	(2—\$10s) w/ TREASURE CHEST	\$50	3,000	240
\$5 × 4	\$15	(2—\$5s) w/ TREASURE CHEST	\$50	1,412	510
\$10	\$10	3—\$30s	\$50	1,500	480
\$20	\$30		\$50	1,500	480
		3—\$50s	\$50	1,500	480
\$50			\$50	4,800	150
\$50 × 2			\$100	12,000	60
\$50 + \$30 + \$15 + \$5			\$100	12,000	60
\$5	\$5	(2—\$30s) w/ TREASURE CHEST	\$100	2,000	360
(\$10 × 2) + (\$5 × 2)	\$10	(2—\$20s) w/ TREASURE CHEST	\$100	2,400	300
\$50	\$30	3—\$20s	\$100	2,400	300
		3—\$100s	\$100	2,400	300
\$100			\$100	12,000	60
\$50 × 6			\$300	120,000	6
\$100 × 3			\$300	120,000	6
(\$20 × 4) + (\$15 × 2) + (\$10 × 3) + (\$5 × 2) + \$50	\$50	3—\$50s	\$300	30,000	24
(\$30 × 2) + (\$20 × 2)	\$100	3—\$100s	\$300	30,000	24
(\$50 × 2) + (\$20 × 5) + (\$5 × 5)	\$30	(2—\$15s) w/ TREASURE CHEST	\$300	30,000	24
\$100	\$50	(2—\$50s) w/ TREASURE CHEST	\$300	120,000	6
		(2—\$100s) w/ TREASURE CHEST	\$300	120,000	6
		3—\$300s	\$300	40,000	18
\$300			\$300	120,000	6

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MAP MONEY":</i>	<i>"BURIED TREASURE":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 720,000 Tickets:</i>
$(\$15 \times 3) + (\$5 \times 3) + \$10$	\$30	(2—\$300s) w/ TREASURE CHEST	\$1,000	360,000	2
$(\$50 \times 5) + (\$30 \times 2) + (\$15 \times 2) + \$300 + \$100 + \10	\$100	(2—\$50s) w/ TREASURE CHEST	\$1,000	360,000	2
$(\$100 \times 2) + (\$30 \times 2) + (\$20 \times 2) + (\$10 \times 5) + \$50$	\$300	(2—\$100s) w/ TREASURE CHEST	\$1,000	360,000	2
\$1,000			\$1,000	360,000	2
PROGRESSIVE TOP PRIZE*			\$75,000*	360,000	2

MAP MONEY: When there is a winning match in the YOUR NUMBERS area AND a prize amount appears in the MAP MONEY area, add the prize shown to the TOTAL WON and win that amount. MAP MONEY cannot be won alone.

BURIED TREASURE: Match 3 like amounts, win that amount. Match 2 like amounts and a "Treasure Chest" (TRIPLER) symbol, TRIPLE that amount! BURIED TREASURE is played separately.

*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$75,000. The PROGRESSIVE TOP PRIZE increases by \$0.30 every time a ticket is purchased, and resets to \$75,000 whenever a top prize winning ticket is sold.

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

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *“PROGRESSIVE TOP PRIZE” restrictions:*

(a) An amount of \$0.30 from the sale of each Buried Treasure ticket will be accumulated in the “PROGRESSIVE TOP PRIZE” pool.

(b) *Prize Amount:* The amount of the “PROGRESSIVE TOP PRIZE” at the time a ticket is purchased can only be verified through the Lottery’s Central Computer System. Any advertisement or any materials describing the amount of the “PROGRESSIVE TOP PRIZE” are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Buried Treasure game, this notice and the data contained in the Lottery’s Central Computer System shall govern.

(c) The “PROGRESSIVE TOP PRIZE” and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a “PROGRESSIVE TOP PRIZE” being reset without the actual sale of a “PROGRESSIVE TOP PRIZE” winning ticket, all prize money that had accumulated into the “PROGRESSIVE TOP PRIZE” pool (i.e., \$0.30 from the sale of each ticket) shall be awarded as part of the next “PROGRESSIVE TOP PRIZE” won.

(d) Prizes payable to “PROGRESSIVE TOP PRIZE” winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to “PROGRESSIVE TOP PRIZE” winners, the “PROGRESSIVE TOP PRIZE” amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Buried Treasure lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer’s license without the Lottery’s prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Buried Treasure lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Buried Treasure or through normal communications methods.

20. *Applicability:* This notice applies only to the Buried Treasure lottery game announced in this notice.

PATRICK BROWNE,
Secretary

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DEPARTMENT OF REVENUE

Pennsylvania Scoop Up Some Cash Fast Play Game 5202

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers

and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Scoop Up Some Cash (“Scoop Up Some Cash”). The game number is PA-5202.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *CHERRY ON TOP*: The visual representation of a Cherry printed on top of certain play symbols in the “YOUR NUMBERS” area. When a Cherry symbol appears on top of any winning “YOUR NUMBERS” play symbol, the player increases the prize won by \$15.

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket, which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Scoop Up Some Cash ticket is \$2.

4. *Description of the Scoop Up Some Cash Fast Play lottery game*:

(a) The Scoop Up Some Cash lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Scoop Up Some Cash

tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Scoop Up Some Cash is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown to the right of the “YOUR NUMBERS” play symbol. Whenever a Cherry symbol appears on top of a winning “YOUR NUMBERS” play symbol, the player increases the prize shown to the right of that play symbol by \$15 and wins that amount. A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Scoop Up Some Cash game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Scoop Up Some Cash game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Scoop Up Some Cash game ticket and select the Scoop Up Some Cash option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Scoop Up Some Cash ticket characteristics*:

(a) A Scoop Up Some Cash ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Each Scoop Up Some Cash ticket play area will contain a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area printed with a Cherry symbol, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and a Scoop symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$15,000 (FIFTNTHO).

(d) *Prizes*: The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500 and \$15,000. Scoop Up Some Cash contains a feature that can

increase certain prizes. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to ten times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 480,000 tickets will be available for sale for the Scoop Up Some Cash lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Scoop Up Some Cash prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15,000 (FIFTNTHO) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50^{.00} (FIFTY) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40^{.00} (FORTY) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$40^{.00} (FORTY) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, and upon which a Cherry symbol appears on top of that matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$35.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15^{.00} (FIFTEEN) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, and upon which a Cherry symbol appears on top of that matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, and upon which a Cherry symbol appears on top of that matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20^{.00} (TWENTY) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, and upon which a Cherry symbol appears on top of that matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4^{.00} (FOR DOL) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, and upon which a Cherry symbol appears on top of that matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$19.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2^{.00} (TWO DOL) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, and upon which a Cherry symbol appears on top of that matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(r) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15^{.00} (FIFTEEN) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$15^{.00} (FIFTEEN) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the Prize area to the right of the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$10^{.00} (TEN DOL) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$5^{.00} (FIV DOL) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4^{.00} (FOR DOL) appears in the Prize area to the right of the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$4^{.00} (FOR DOL) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2^{.00} (TWO DOL) appears in the Prize area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which a Scoop symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$2^{.00} (TWO DOL) appears in the Prize area under that Scoop symbol, on a single ticket, shall be entitled to a prize of \$2.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown To The Right Of The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
\$2 w/ SCOOP	\$2	16.67	28,800
\$2	\$2	20	24,000
\$2 × 2	\$4	100	4,800
\$4 w/ SCOOP	\$4	24.69	19,440
\$4	\$4	100	4,800
\$5 w/ SCOOP	\$5	66.67	7,200
\$5	\$5	66.67	7,200
\$5 × 2	\$10	500	960
(\$4 × 2) + \$2	\$10	200	2,400
\$10 w/ SCOOP	\$10	188.68	2,544
\$10	\$10	500	960
\$5 × 3	\$15	1,000	480
(\$4 × 2) + \$5 + \$2	\$15	500	960
\$10 + \$5	\$15	500	960
\$15 w/ SCOOP	\$15	333.33	1,440
\$15	\$15	1,000	480
\$5 × 4	\$20	10,000	48
\$10 × 2	\$20	2,000	240
(\$4 × 2) + \$10 + \$2	\$20	2,000	240
(\$4 × 3) + (\$2 × 4)	\$20	10,000	48
(\$5 × 2) + \$10	\$20	2,000	240
\$15 + \$5	\$20	2,000	240
\$5 w/ CHERRY	\$20	125	3,840
\$20 w/ SCOOP	\$20	2,000	240
\$20	\$20	2,000	240
\$10 × 4	\$40	12,000	40

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown To The Right Of The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
\$20 × 2	\$40	12,000	40
(\$5 × 4) + (\$4 × 2) + \$10 + \$2	\$40	12,000	40
(\$10 × 2) + (\$5 × 4)	\$40	12,000	40
(((\$2 w/ CHERRY) × 2) + \$4 + \$2	\$40	1,846	260
(((\$4 w/ CHERRY) × 2) + \$2	\$40	1,846	260
(\$15 w/ CHERRY) + (\$4 × 2) + \$2	\$40	2,000	240
\$40 w/ SCOOP	\$40	6,000	80
\$40	\$40	24,000	20
(\$10 × 4) + (\$5 × 2)	\$50	60,000	8
\$20 + \$15 + \$10 + \$5	\$50	60,000	8
\$40 + \$10	\$50	60,000	8
(\$10 w/ CHERRY) × 2	\$50	4,000	120
(\$20 w/ CHERRY) + \$10 + \$5	\$50	4,000	120
(\$40 w/ SCOOP) + (\$2 × 3) + \$4	\$50	4,800	100
\$50 w/ SCOOP	\$50	8,000	60
\$50	\$50	60,000	8
\$50 × 2	\$100	120,000	4
\$50 + \$40 + \$10	\$100	120,000	4
(\$20 w/ SCOOP) + (\$10 w/ CHERRY) + (\$10 × 3) + (\$4 × 2) + \$15 + \$2	\$100	24,000	20
(\$40 w/ SCOOP) + (\$15 w/ CHERRY) + (\$5 × 3) + (\$4 × 2) + \$5 + \$2	\$100	30,000	16
(\$50 w/ SCOOP) + (\$20 w/ CHERRY) + (\$4 × 2) + \$5 + \$2	\$100	30,000	16
\$100 w/ SCOOP	\$100	30,000	16
\$100	\$100	120,000	4
\$500	\$500	240,000	2
\$15,000	\$15,000	240,000	2

When a "Scoop" symbol appears, win prize shown under that symbol automatically.

CHERRY ON TOP: When a "Cherry" symbol appears on top of a winning match, add \$15 to the prize shown to the right!

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

8. Ticket responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. Ticket validation and requirements:

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may

not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Scoop Up Some Cash lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Scoop Up Some Cash lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Scoop Up Some Cash or through normal communications methods.

19. *Applicability*: This notice applies only to the Scoop Up Some Cash lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-904. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Winning Streak Tripler Fast Play Game 5203

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Winning Streak Tripler (“Winning Streak Tripler”). The game number is PA-5203.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *Play*: A chance to participate in a particular Fast Play lottery game.

(g) *Play Area*: The area on a ticket, which contains one or more play symbols.

(h) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(i) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased and then resets to the minimum prize amount whenever a top prize-winning ticket is sold.

(k) *STREAK*: A specific, pre-defined portion of the play area, which contains one, two, three or four “STREAK” play symbols and a Prize symbol in a horizontal line that,

when played according to the instructions, determines whether a player wins a prize. Each “STREAK” is played separately.

(l) *TRIPLE STREAK*: When three matching Prize symbols appear in the play area, the player wins three times the matching prize amount. “TRIPLE STREAK” is played separately.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in each “STREAK”, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a Winning Streak Tripler ticket is \$1.

4. *Description of the Winning Streak Tripler Fast Play lottery game*:

(a) The Winning Streak Tripler lottery game is an instant win game printed from a Lottery Terminal. With the exception of the “PROGRESSIVE TOP PRIZE,” all prizes are predetermined, and the player does not have the ability to select their own play symbols. Winning Streak Tripler tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Winning Streak Tripler is played by matching all of the play symbols in the same “STREAK” to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win that prize amount shown in the Prize area to the right of that “STREAK.” Each “STREAK” is played separately.

(c) Winning Streak Tripler is also played by matching three like Prize amounts in the play area to win a “TRIPLE STREAK” prize. A player matching Prize symbols in this manner will win a prize of three times the matching prize amount. “TRIPLE STREAK” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Winning Streak Tripler game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Winning Streak Tripler game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Winning Streak Tripler game ticket and select the Winning Streak Tripler option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Winning Streak Tripler ticket characteristics*:

(a) A Winning Streak Tripler ticket shall contain a play area, the cost of the play, the date of sale and a bar code. Each ticket contains four “STREAK” areas designated as

“STREAK 1,” “STREAK 2,” “STREAK 3” and “STREAK 4.” Each “STREAK” is played separately.

(b) *Play Symbols:* Each Winning Streak Tripler ticket play area will contain four “STREAK” areas. The play symbols and their captions, located in the “STREAK” areas and the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRT).

(c) *Prize Symbols:* The prize symbols and their captions, located to the right of each “STREAK,” are: FREE (TICKET), \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN) and PROG (TOP PRIZE).

(d) *Prizes:* The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$30, \$50, \$100 and the “PROGRESSIVE TOP PRIZE.” The “PROGRESSIVE TOP PRIZE” amount starts at \$3,000 and increases by \$0.05 every time a Winning Streak Tripler ticket is purchased. When a “PROGRESSIVE TOP PRIZE” winning ticket is sold, the “PROGRESSIVE TOP PRIZE” resets to \$3,000. Winning Streak Tripler contains a “TRIPLE STREAK” feature that can multiply the prize won. “TRIPLE STREAK” is played separately. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to five times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,800,000 tickets will be available for sale for the Winning Streak Tripler lottery game.

6. Prizes available to be won and determination of prize winners:

(a) All Winning Streak Tripler prize payments will be made as one-time, lump-sum cash payments.

(b) Determination of prize winners for holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols:

(1) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of PROG (TOP PRIZE) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$3,000.

(2) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize

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

(4) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$5.

(8) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$4.

(9) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$3.⁰⁰ (THR DOL) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$3.

(10) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$2.

(11) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of \$1.

(12) Holders of tickets upon which all of the “STREAK” play symbols, located in the same “STREAK,” match any of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the Prize area for that “STREAK,” on a single ticket, shall be entitled to a prize of one Winning Streak Tripler Fast Play Game Ticket.

(c) Determination of “TRIPLE STREAK” prize winners for holders of tickets upon which three matching Prize symbols appear in the play area:

(1) Holders of tickets upon which three matching Prize symbols of \$30.⁰⁰ (THIRTY) appear in the play area, on a single ticket, shall be entitled to a prize of \$90.

(2) Holders of tickets upon which three matching Prize symbols of \$20⁰⁰ (TWENTY) appear in the play area, on a single ticket, shall be entitled to a prize of \$60.

(3) Holders of tickets upon which three matching Prize symbols of \$10⁰⁰ (TEN DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$30.

(4) Holders of tickets upon which three matching Prize symbols of \$5⁰⁰ (FIV DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$15.

(5) Holders of tickets upon which three matching Prize symbols of \$4⁰⁰ (FOR DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$12.

(6) Holders of tickets upon which three matching Prize symbols of \$3⁰⁰ (THR DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$9.

(7) Holders of tickets upon which three matching Prize symbols of \$2⁰⁰ (TWO DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets upon which three matching Prize symbols of \$1⁰⁰ (TWO DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When You Completely Match Any Of The "WINNING NUMBERS" To All Of The Numbers In A "STREAK," Win "PRIZE" For That "STREAK". Win With:</i>	<i>"TRIPLE STREAK":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,800,000 Tickets:</i>
FREE		FREE \$1 TICKET	10	180,000
\$1		\$1	25	72,000
\$1 × 2		\$2	66.67	27,000
\$2		\$2	66.67	27,000
\$2 + \$1		\$3	200	9,000
	\$3 w/ 3—\$1s	\$3	40	45,000
\$3		\$3	200	9,000
\$2 × 2		\$4	1,000	1,800
\$1	\$3 w/ 3—\$1s	\$4	200	9,000
\$4		\$4	333.33	5,400
(\$2 × 2) + \$1		\$5	333.33	5,400
\$3 + \$2		\$5	500	3,600
\$4 + \$1		\$5	1,000	1,800
\$1 × 2	\$3 w/ 3—\$1s	\$5	1,000	1,800
\$2	\$3 w/ 3—\$1s	\$5	333.33	5,400
\$5		\$5	1,000	1,800
\$5 × 2		\$10	909.09	1,980
\$1	\$9 w/ 3—\$3s	\$10	666.67	2,700
(\$1 × 3) + \$4	\$3 w/ 3—\$1s	\$10	666.67	2,700
\$4	\$6 w/ 3—\$2s	\$10	1,000	1,800
\$10		\$10	500	3,600
(\$5 × 2) + \$10		\$20	4,000	450
\$10 + \$5 + \$4 + \$1		\$20	4,000	450
\$10 × 2		\$20	4,000	450
\$4 × 2	\$12 w/ 3—\$4s	\$20	2,400	750
\$5	\$15 w/ 3—\$5s	\$20	2,400	750
\$20		\$20	4,000	450
(\$2 × 2) + \$20	\$6 w/ 3—\$2s	\$30	3,000	600
(\$4 × 2) + \$10	\$12 w/ 3—\$4s	\$30	3,000	600
\$5 × 3	\$15 w/ 3—\$5s	\$30	3,000	600
\$10 + \$5	\$15 w/ 3—\$5s	\$30	3,000	600
	\$30 w/ 3—\$10s	\$30	1,846	975

<i>When You Completely Match Any Of The "WINNING NUMBERS" To All Of The Numbers In A "STREAK," Win "PRIZE" For That "STREAK". Win With:</i>	<i>"TRIPLE STREAK":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,800,000 Tickets:</i>
\$30		\$30	2,000	900
$(\$20 \times 2) + (\$5 \times 2)$		\$50	40,000	45
$\$10 \times 2$	\$30 w/ 3—\$10s	\$50	8,000	225
\$20	\$30 w/ 3—\$10s	\$50	8,000	225
\$50		\$50	30,000	60
\$10	\$90 w/ 3—\$30s	\$100	120,000	15
$\$20 \times 2$	\$60 w/ 3—\$20s	\$100	120,000	15
\$100		\$100	120,000	15
PROGRESSIVE TOP PRIZE		\$3,000*	360,000	5

*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$3,000. The PROGRESSIVE TOP PRIZE increases by \$0.05 every time a ticket is purchased, and resets to \$3,000 whenever a top prize winning ticket is sold.

Each STREAK is played separately.

TRIPLE STREAK: When you match 3 like PRIZE amounts, win TRIPLE that amount instantly! TRIPLE STREAK is played separately.

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

8. Ticket responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. Ticket validation and requirements:

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. Procedures for claiming and payment of prizes:

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *“PROGRESSIVE TOP PRIZE” restrictions:*

(a) An amount of \$0.05 from the sale of each Winning Streak Tripler ticket will be accumulated in the “PROGRESSIVE TOP PRIZE” pool.

(b) *Prize Amount:* The amount of the “PROGRESSIVE TOP PRIZE” at the time a ticket is purchased can only be verified through the Lottery’s Central Computer System. Any advertisement or any materials describing the amount of the “PROGRESSIVE TOP PRIZE” are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Winning Streak Tripler game, this notice and the data contained in the Lottery’s Central Computer System shall govern.

(c) The “PROGRESSIVE TOP PRIZE” and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a “PROGRESSIVE TOP PRIZE” being reset without the actual sale of a “PROGRESSIVE TOP PRIZE” winning ticket, all prize money that had accumulated into the “PROGRESSIVE TOP PRIZE” pool (i.e., \$0.05 from the sale of each ticket) shall be awarded as part of the next “PROGRESSIVE TOP PRIZE” won.

(d) Prizes payable to “PROGRESSIVE TOP PRIZE” winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to “PROGRESSIVE TOP PRIZE” winners, the “PROGRESSIVE TOP PRIZE” amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, condi-

tions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Winning Streak Tripler lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer’s license without the Lottery’s prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Winning Streak Tripler lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Winning Streak Tripler or through normal communications methods.

20. *Applicability:* This notice applies only to the Winning Streak Tripler lottery game announced in this notice.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-905. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Proposed Disadvantaged Business Enterprise Goal Methodology for Participation in Federal Transit Administration Funded Contracts for Federal Fiscal Years 2024—2026

The Department of Transportation (Department) is providing notice of its proposed Federal Transit Administration Disadvantaged Business Enterprise Goal Methodology for Federal Fiscal Years 2024—2026, which is available for public inspection and comment.

The proposed methodology is available for inspection by contacting the Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201.

Alternatively, the document can also be viewed online at <http://www.padbegoals.org/>.

The document will be available for inspection from the date of this notice's publication through 4 p.m. on Monday, August 7, 2023. The Department will accept written comments on the methodology during this period.

Comments, questions or suggestions regarding this notice may be directed in writing to Stacey Waters, Director, Bureau of Equal Opportunity, at the previously listed address.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-906. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Meeting

The Public-Private Partnerships Board will hold a meeting on Tuesday, August 8, 2023, at 10 a.m. in the Forest Room, Plaza Level, Keystone Building, Harrisburg, PA. For more information, contact Maddie Vergos, (717) 787-3154, mvergos@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-907. Filed for public inspection July 7, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Advisory Committee Meeting

The State Transportation Advisory Committee will hold a meeting on Wednesday, July 12, 2023, from 10 a.m. to 12 p.m. This meeting will be held in the Keystone Building, 8N1, 400 North Street, Harrisburg, PA and by means of Microsoft Teams. The meeting information including the agenda is available at bit.ly/3PfDofb.

For more information, contact the Office of the State Transportation Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-908. Filed for public inspection July 7, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-117	Department of Labor and Industry Impairment Rating 53 Pa.B. 2165 (April 22, 2023)	05/22/23	06/21/23
14-543	Department of Human Services Protective Services for Adults 53 Pa.B. 2169 (April 22, 2023)	05/22/23	06/21/23

**Department of Labor and Industry
Regulation # 12-117 (IRRC # 3368)**

Impairment Rating

June 21, 2023

We submit for your consideration the following comments on the proposed rulemaking published in the April 22, 2023 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

Section 123.102. IRE Requests.—Clarity.

The following language is being added to Subsection (a):

If the evaluation is requested and occurs beyond the 60-day period subsequent to the expiration of the employee's receipt of 104 weeks of total disability benefits, the adjustment of the disability status must be achieved through the traditional administrative process such as by filing a Petition for Modification and, if successful, the adjustment of the disability status shall be effective as of the date of the evaluation or as determined by the evaluating physician.

A commentator has identified several concerns related to this new language as it appears in this subsection and also in other sections of the proposed rulemaking. We believe the clarity of the rulemaking could be improved by addressing these concerns.

First, they suggest the term "total disability benefits" be amended to the term "total disability compensation benefits" because that is the term used in Section 511.3 of the Workers' Compensation Act (Act). 77 P.S. § 511.3. We agree that this change would make the rulemaking consistent with the Act and ask the Department to amend the final-form rulemaking accordingly.

Second, the term "traditional administrative process" is used in this subsection, Subsection (f) and also § 123.105(d.1). We note that Subsection (a) states that the "traditional administrative process" can be achieved by the filing of a "Petition for Modification." The Preamble to the proposed rulemaking uses the term "litigation" when describing the "traditional administrative process." Besides the filing of a "Petition for Modification," are there other mechanisms or processes that would fall under a "traditional administrative process? We ask the Department to define the term "traditional administrative process" or to provide a list of all actions that are considered to be part of that process.

Third, this subsection uses the term "adjustment of the disability status" while Subsection (f) refers to the reduction of benefits. Do these terms or phrases mean the same thing? If so, we suggest that the final-form rulemaking be amended to use one term or phrase consistently.

Finally, we believe the clarity of existing provisions could be improved. The existing language of this subsection addresses Impairment Rating Evaluations (IREs) that occur during the 60-day period subsequent to the expiration of an employee's receipt of 104 weeks of total disability benefits. Subsection 123.105(d) explains what information must be reported to the Department if an adjustment to benefits is merited by the IRE conducted under § 123.102(a). We ask the Department to clarify if the "sixty days from the date of the notice the employee's

benefit status shall be adjusted from total to partial" referenced in § 123.105(d)(2) refers to the conclusion of the 104 weeks of total disability benefits or the conclusion of the 60-day period during which an IRE can be requested.

**Department of Human Services
Regulation # 14-543 (IRRC # 3364)**

Protective Services for Adults

June 21, 2023

We submit for your consideration the following comments on the proposed rulemaking published in the April 22, 2023 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Human Services (Department) to respond to all comments received from us or any other source.

1. Reaching of a consensus.

This proposed regulation is the result of the Department's effort to codify the requirements contained in Act 70 of 2010 (Act 70). The Department states in response to Regulatory Analysis Form (RAF) Question # 14 that in order to solicit input from the regulated community, the Department held 23 meetings with community stakeholders beginning in January 2011 and ending in September 2015. The Department states, "The work group advised the Department on many of the novel features of Act 70 related to adults with disabilities and provided varied and diverse perspectives on how the regulation should be crafted." Given the length of time that has passed since the workgroup last met, a member of the regulated community requests that the Department meet again with stakeholders to update itself on any issues of concern. The commenter notes that there have been significant policy changes, such as implementation of the Community HealthChoices program, as well as considerable technological innovations since 2015.

We note that section 2 of the RRA, pertaining to legislative intent, provides the following direction: "To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency." 71 P.S. § 745.2(a). In order to resolve concerns raised by commenters and achieve the goals of Act 70 and the RRA, we encourage the Department to engage the regulated community on this rulemaking to reach consensus to the greatest extent possible while finalizing the final-form regulation in a timely manner.

2. Preamble and RAF.

The preamble states that a third-party agency (agency), selected by the Department through a competitive bidding process, began to implement the Adult Protective Services (APS) program on April 1, 2015. We note that the proposed regulation largely addresses the duties and responsibilities of the agency, such as section 15.12 (relating to administrative functions and responsibilities of agencies) and section 15.41 (relating to reports required to be investigated). However, the Department's response to RAF question # 15, which requires the Department to identify those people, businesses, and organizations affected by the regulation, does not identify the agency as an affected entity. Likewise, the Department's response to RAF question # 16, which requires the Department to identify the entities required to comply with the regulation, doesn't mention the agency. We ask

the Department to amend the final-form preamble and RAF to include the agency in its responses where appropriate. Additionally, we ask the Department to include in the preamble and RAF an explanation of the overall APS program, including the role of the agency and the agency's duties and responsibilities.

3. Protection of the public health, safety, and welfare.

We note that the proposed regulation contains various provisions that establish finite timeframes for compliance, such as 24 or 72 hours, or same or next business day. How will these timeframes be monitored for compliance? Who will ensure that these timeframes are being met? We also note that certain provisions provide for reports to be referred to other service providers. How will the Department ensure that referrals are not lost or overlooked? We ask the Department to explain how the final-form regulation will protect the public health, safety, and welfare related to oversight of timeframes and referrals.

4. Section 15.1. Scope.—Clarity.

Subsection (b) states that the chapter applies to adults in need of protective services, their families, agencies selected to provide protective services for adults in need of protective services, parties who make and investigate reports of a need for protective services for adults, and facilities. We ask the Department to clarify whether the chapter should apply to guardians, as well.

5. Section 15.2. Definitions.—Statutory authority; Protection of the public health, safety, and welfare; Clarity.

Abuse

The definition of the term “abuse” includes the infliction of injury, “unreasonable confinement,” intimidation, or punishment with resulting physical harm, pain, or mental anguish. The phrase “unreasonable confinement” is non-regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this term does not establish a standard that could be predicted by the regulated community. We ask the Department to define what is meant by the phrase “unreasonable confinement” to clarify the final-form regulation.

Employee

The Department has added to the definition of “employee” found in Act 70 the phrase “including employees of affiliated corporate entities.” We ask the Department to provide the statutory authority for amending the definition to include “employees of affiliated corporate entities.”

Informed consent

“Informed consent” is defined as consent based on a “reasonable attempt” to provide information which conveys outcomes of various modes of protective service provisions available under the circumstances. The phrase “reasonable attempt” is non-regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this phrase does not establish a standard that could be predicted by the regulated community. We ask the Department to clarify what is meant by the phrase “reasonable attempt” in the final-form regulation.

Least restrictive alternative

“Least restrictive alternative” is defined by Act 70 and the Department as “[t]he least intrusive service or environment that can effectively and safely address the adult’s needs and preferences.” A commenter asks for clarity regarding the term “intrusive.” We ask the Depart-

ment to ensure that the final-form regulation provides a clear standard that can be predicted by the regulated community.

Mandatory reporting

The preamble states that Act 70 was enacted to provide a system to address situations of “abuse, neglect, *abandonment*, and *exploitation*” of adults 18 years of age or older but under 60 years of age with disabilities. (Emphasis added.) However, the Department’s definition of “mandatory reporting” addresses only suspicion that a person is a victim of abuse or neglect. If Act 70 was enacted to address “abandonment” and “exploitation,” why are these not mandated to be reported along with abuse and neglect? We ask the Department to amend the definition to include “abandonment” and “exploitation,” or to explain how the final regulation protects the public health, safety, and welfare without including “abandonment” and “exploitation” in this definition.

Similarly, we ask the Department to ensure that “abandonment” and “exploitation” are addressed along with abuse and neglect throughout the final regulation, where appropriate.

6. Section 15.3. Waivers.—Protection of the public health, safety, and welfare; Clarity.

Subsection (a) allows a facility to request a waiver of a provision of Chapter 15. Since a waiver could impact protection of the public health, safety, and welfare, we ask the Department to clarify where approved waivers will be available for the public to view.

Also in subsection (a), we ask the Department to change the reference from “Federal and State” to “Federal or State” to clarify that a waiver may be granted under either the Federal or State law.

7. Section 15.11. Administrative functions and responsibilities of the Department.—Protection of the public health, safety, and welfare.

Under this section in paragraph (5), the Department’s responsibilities include “[e]nsuring the agency has access to the incident reporting system for adult protective services.” The preamble related to this section states that the Department is also responsible for providing coordination with child protective and older adult protective services. We ask the Department to amend paragraph (5) to include agency access to the incident reporting system for children and older adult protective services, or to explain how the language in the proposed regulation protects the public health, safety, and welfare.

8. Section 15.23. Receiving reports; general agency responsibility.—Clarity.

Since this section pertains to the responsibility of the agency, we ask the Department to clarify the final-form regulation by moving subsection (c), which addresses the Department’s responsibility to provide toll-free telephone access, to Section 15.11 (relating to administrative functions and responsibilities of the Department).

9. Section 15.26. Screening and referral of reports received.—Protection of the public health, safety, and welfare; Clarity; Implementation procedures.

Clause (b)(4)(i)(B) states that a report is to be qualified as “no need or not eligible for protective services” if the subject of the report is under 18 years of age or 60 years of age or older. The provision requires that reports received for these identified age groups shall be immediately referred by the person who takes the report to either child protective services or older adult protective

services. We note that a portion of subparagraph (b)(4)(ii) nearly repeats this same provision: “In the event the caseworker determines the allegations pertain to a person under 18 years of age or 60 years of age or older, the caseworker shall notify child protective services or older adult protective services immediately.” We ask the Department to remove any duplicative provisions and ensure that the final regulation provides clear standards for the regulated community to implement.

We further note that subparagraph (b)(4)(ii) also states that if the caseworker confirms the screening categorization of “no need or not eligible for protective services,” appropriate referrals shall be made to another community service provider within 72 hours of receipt. Should reports that fall under clause (b)(4)(i)(B) be exempt from this provision since they’ve already been referred to either child or older adult protective services? We ask the Department to clarify how these two seemingly conflicting provisions are to be implemented.

Additionally, subparagraph (b)(4)(ii) closes with the following provision: “If the caseworker rejects the categorization, the report shall be placed in the appropriate category and handled accordingly *within 72 hours*.” (Emphasis added.) Most of the quoted language comes from Act 70; however, the Department added the phrase “within 72 hours” in the proposed regulation. We question the 72-hour timeframe given the possibility that the appropriate category for the report could be “priority,” which would require “immediate attention.” We ask the Department to delete the 72-hour timeframe and add a cross-reference to paragraphs (b)(1) and (b)(2) to protect the public health, safety, and welfare. We also ask the Department to clarify that an improperly categorized report shall be placed immediately in the appropriate category.

10. Section 15.41. Reports required to be investigated.—Clarity; Implementation procedures.

Subsection (a) states that the investigation should include “sufficient” collateral information. The term “sufficient” is non-regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this term does not establish a standard that could be predicted by the regulated community. We ask the Department to clarify how this provision is to be implemented in the final-form regulation by setting a clear standard.

11. Section 15.42. Standards for initiating and conducting investigations.—Clarity; Implementation procedures.

Subparagraph (a)(1)(i) states, in part, that a protective services caseworker shall “make every effort” to ensure the immediate safety of the adult in need of protective services. The phrase “make every effort” is non-regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this phrase does not establish a standard that could be predicted by the regulated community. We ask the Department to clarify what is meant by the phrase “make every effort” and to explain how this provision is to be implemented in the final-form regulation.

Subsection (b) states, “In the event a conflict of interest arises or is identified as described in Section 15.12 (relating to administrative functions and responsibilities of agencies), the agency shall immediately refer the case for investigation by the Department or for referral to *another agency* for investigation.” (Emphasis added.) We ask the Department to clarify to whom “another agency” refers.

Because this section addresses the standards for initiating and conducting investigations, we question the need for including paragraph (a)(3) and its subparagraphs. The language in these provisions addresses reports categorized as “no need or not eligible for protective services” so there would be no need for an investigation. Further, the language in these provisions is similar to language found in section 15.26(b)(4)(ii). We ask the Department to remove any duplicative provisions to ensure that the final-form regulation is clear for the regulated community.

12. Section 15.43. Resolution of unsubstantiated reports.—Protection of the public health, safety, and welfare.

Subsection (b) requires that an unsubstantiated report and all information obtained in investigating the unsubstantiated report shall be maintained for a period of one year. A commenter notes that there could be multiple reports involving an adult that are designated as unsubstantiated, but that over time may be indicative of a pattern that would not be noticed if reports are maintained only for one year. We ask the Department to amend the final-form regulation to provide for a longer period of retention of unsubstantiated reports, or to explain how a retention period of one year protects the public health, safety, and welfare.

13. Section 15.44. Resolution of substantiated reports.—Protection of the public health, safety, and welfare; Need.

Under subsection (b), an adult in need of protective services may refuse the assessment. We ask the Department to amend the final-form regulation to require documentation of the refusal of the assessment for the protection of the public health, safety, and welfare of all parties involved.

We note that section 15.43 addresses the timeframe for maintenance of unsubstantiated reports. Should this section contain a requirement for maintenance of substantiated reports? We ask the Department to amend the final-form regulation to include a requirement for maintenance of substantiated reports or to explain why such a provision is not needed.

14. Section 15.45. State-licensed and State-operated facilities.—Clarity; Implementation procedures.

This section addresses requirements for both State-operated and State-licensed facilities. We note that subsection (a) is entitled “General,” but states that it applies only to State-licensed facilities. The regulated community would not expect a “general” section to apply only to certain facilities. We ask the Department to clarify in the final-form regulation which provisions apply generally and which apply only to specific types of facilities.

Paragraph (c)(1) states, “The agency shall initiate the investigation by referring the report to *the appropriate administrative or program office* for investigation under its patient rights program.” (Emphasis added.) We ask the Department to clarify to whom “the appropriate administrative or program office” refers.

Paragraph (c)(2) requires an agency to “closely monitor” an investigation referred under paragraph (c)(1) to determine that the investigation is effectively implemented and that remedies have been implemented to correct the situation which led to the making of the report. The phrase “closely monitor” is non-regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this phrase does not establish a standard that could be predicted by the regulated

community. We ask the Department to clarify what is meant by the phrase “closely monitor” and to explain how this provision is to be implemented in the final-form regulation.

15. Section 15.71. Involuntary intervention by emergency court order.—Protection of the public health, safety, and welfare; Clarity.

Section (c) states, “When the agency petitions the court for emergency involuntary intervention, the agency shall inform the adult of the right to be represented by legal counsel at all stages of the proceedings.” We ask the Department to clarify in the final-form regulation that the legal counsel is pro bono.

Subparagraph (c)(1)(ii) states, “If the agency has no knowledge of a legal counsel who represents the adult in need of protective services, the agency shall inform the adult or the adult’s legal representative about other legal services that they may be able to access.” We ask the Department to require written notification to be signed by the adult in need of protective services for the protection of the public health, safety, and welfare of all parties involved.

16. Section 15.72. Petition.—Protection of the public health, safety, and welfare.

Commenters raise concerns about personal identifiable information pertaining to an adult in need of protective services being a part of the public record. In order to protect the public health, safety, and welfare, we ask the Department to amend the final-form regulation to ensure that the requirements safeguard the identifiable information of an adult who is the subject of a petition.

17. Section 15.75. Non-restrictive setting.—Protection of the public health, safety, and welfare.

This section states, “In those cases, in which an adult in need of protective services must be relocated, the agency shall request the court to order the adult in need of protective services to be relocated to the most integrated setting and the least restrictive alternative that ensures the health and safety of the adult in need of protective services.” A commenter raises concerns about the rights of the adult in need of protective services who is being relocated. We ask the Department to amend the final-form regulation to require the agency to demonstrate to the court that less-restrictive settings were considered and to justify why those settings could not ensure the health and safety of the adult in need of protective services, or to explain how the proposed language protects the public health, safety, and welfare.

18. Section 15.81. Rights of adults reported to need protective services.—Protection of the public health, safety, and welfare; Clarity.

A commenter advocates for including additional rights in this section, such as requiring the least restrictive setting appropriate for the adult’s needs, requiring that an institutional setting be the last resort after all other options have been considered, and requiring that if an institutional placement is the only option, that it be temporary. We ask the Department to address these concerns by amending the final-form regulation accordingly, or to explain how the final-form regulation protects the public health, safety, and welfare.

Paragraph (5) states, “An adult in need of protective services has the right to refuse protective services or withdraw consent for protective services, except as provided under a court order or as requested by a legal guardian.” A commenter notes that there are different

types and scopes of guardianship, so a “legal guardian” may not have authority over whether to refuse or withdraw an adult from protective services. We ask the Department to clarify this provision to ensure that the type of guardian referenced has authority related to such decisions.

19. Section 15.92. Assessment.—Protection of the public health, safety, and welfare; Clarity.

Subsection (b) states that the agency, “to the extent feasible,” shall make face-to-face contact with the adult reported to need protective services to evaluate and document information such as personal appearance, physical environment, and nutrition. Because these types of information require face-to-face contact to ascertain, we ask the Department to explain under what circumstances it would be acceptable not to make face-to-face contact. We also ask the Department to clarify how the agency would protect the health, safety, and welfare of an adult reported to be in need of protective services under these circumstances.

20. Section 15.93. Service plan.—Protection of the public health, safety, and welfare; Clarity.

This section addresses service plans for the adult in need of protective services. Subsection (d) lists the specific services which may be used to implement the plan. As proposed, the list appears to be exhaustive. If the list is meant to be inclusive but not to be limiting, we ask the Department to clarify the final-form regulation. Also, a commenter requests that the list include home- and community-based Medicaid waiver services that the adult is eligible for or for which the adult may be eligible. We ask the Department to amend this provision to include these services or to explain how not including them protects the public health, safety, and welfare.

21. Section 15.102. Maintenance of case records.—Protection of the public health, safety, and welfare; Clarity.

Subsection (d) addresses unsubstantiated reports similar to section 15.43 (relating to resolution of unsubstantiated reports). For example, both paragraph (d)(1) and section 15.43(b) reference maintaining records for one year. We ask the Department to clarify the final-form regulation by ensuring that these two sections are not duplicative or conflicting. If this section addresses maintenance of unsubstantiated records in the final-form regulation, we ask the Department to amend the final-form regulation to provide for a longer period of retention of unsubstantiated reports, or to explain how a retention period of one year protects the public health, safety, and welfare.

22. Section 15.105. Limited access to records and disclosure of information.—Clarity; Need.

Paragraph (1) states, “A subpoena shall not be a court order for purposes of this section.” We ask the Department to explain the need for exempting a subpoena from this provision.

23. Section 15.121. Protective services staff qualifications.—Protection of the public health, safety, and welfare; Need.

This section addresses protective services staff training and qualifications requirements. Are protective services staff required to have criminal history background checks? We ask the Department to amend the final-form regulation to include this requirement to protect the public health, safety, and welfare of adults in need of protective services, or to explain why this requirement is not needed.

24. Section 15.122. Protective services staff training curriculum.—Protection of the public health, safety, and welfare.

This section addresses the topics to be covered for training for protective services staff. Commenters offer various suggestions such as:

- Expanding the list to include Pennsylvania’s guardianship statute, as well as less restrictive alternatives to guardianship, including powers of attorney, health care representatives, representative payees, and supported decision-making;
- Amending paragraph (1) to include specific examples of “other laws” such as the Protection from Abuse Act, the Protection from Sexual Violence and Intimidation Act, and the Neglect of Care-Dependent Persons Act; and
- Addressing training on the dignity of risk.

We ask the Department to amend the final regulation to include these topics and clarifications, or to explain how not addressing them protects the public health, safety, and welfare.

25. Section 15.136. Restrictions on employees.—Protection of the public health, safety, and welfare; Clarity; Implementation procedures.

Subsection (a) describes the requirement to either suspend or implement a plan of supervision for an employee alleged to have committed abuse. Given that the employee is alleged rather than convicted of committing abuse and cannot work until a plan is in place, and given the challenges that providers face in hiring and retaining staff, we ask the Department to amend the final-form regulation to clarify implementation by providing a timeframe for evaluating and approving the plan. Further, to protect the public health, safety, and welfare, we ask the Department to amend this provision to require that the plan of supervision must be documented.

Subsection (b) requires that the supervision for an employee of a home health care agency who has been alleged to have committed abuse must include “periodic,” random direct observation and evaluation of the employee and the recipients. The term “periodic” is non-regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this term does not establish a standard that could be predicted by the regulated community. We ask the Department to clarify how this provision is to be implemented in the final-form regulation by setting a clear standard.

26. Section 15.151. Notice of adverse action.—Protection of the public health, safety, and welfare.

Under paragraph (b)(2), if an informal complaint is to be made, it must be filed within 30 days following the receipt of the written notice of adverse action. Under paragraph (b)(3), a request for assistance in filing the informal complaint shall be made by the adult or the adult’s legal representative within 30 days of receiving the notice. We ask the Department to protect the public health, safety, and welfare by lengthening the timeframe in paragraph (b)(2) so that an adult who requests assistance under paragraph (b)(3) near the end of the 30 days has sufficient time to file an informal complaint.

27. Section 15.153. Formal hearings.—Clarity; Implementation procedures.

Under subsection (a), an adult or the legal representative may request a formal hearing with the Department’s Bureau of Hearings and Appeals if the adult or the legal representative does not accept the resolution to the informal complaint. Will the Department provide an opportunity for the adult to request assistance as in section 15.151? If so, we ask the Department to amend the final-form regulation to clarify that assistance will be provided if requested and to explain how the provision will be implemented, including reasonable timeframes that address the concern raised in the previous comment.

28. Clarity regarding the term “agency.”

As stated in comment # 2, the proposed regulation largely addresses the duties and responsibilities of the “agency,” which is defined as “a local contracted provider. . .” We note that the preamble and proposed regulation refer not only to the agency, but also to an agency, which is confusing for the regulated community because it implies that there is or can be more than one agency. The following are further examples of the lack of clarity around the term “agency.”

- The Department states in the preamble that “Commonwealth agencies are also affected by this proposed rulemaking because they are notified when an adult reported to need protective services is a recipient of one of their programs or is living in a facility that *the agency* licenses or regulates.” (Emphasis added.) This language indicates that “the agency” is responsible for licensing or regulating facilities.

- The definition of “mandatory reporting” and the requirement in section 15.131(a)(1) are inconsistent. “Mandatory reporting” is defined as the requirement that an employee or an administrator who has reasonable cause to suspect that a recipient is a victim of abuse or neglect shall immediately make an oral report to *an agency*. (Emphasis added.) Section 15.131(a)(1) states that administrators or employees, who have reasonable cause to suspect that a recipient is a victim of abuse or neglect, are required to immediately make an oral report to the Statewide hotline for adult protective services or to *the agency*. (Emphasis added.) The language defining “mandatory reporting” indicates that there are multiple agencies to whom an oral report can be made, while the language in Section 15.131 indicates that there is one agency to whom oral reports are to be made.

- Section 15.12(b) states, “*An agency* shall refer a report to the Department for investigation by *another agency* or the Department. . .” (Emphasis added.)

- Section 15.45(b)(2) states, “When an investigation is concurrently investigated by *the agency* and a *State agency* that has jurisdiction over a State-licensed facility, this investigation may suffice for *the agency* investigation. . .” (Emphasis added.)

We ask the Department to clarify the final-form regulation by using the defined term, “the agency,” and clearly differentiating between “the agency” and other Commonwealth agencies.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-909. Filed for public inspection July 7, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7B-10	Department of Conservation and Natural Resources Conservation of Pennsylvania Native Wild Plants	05/17/23	07/13/23
10-236	Department of Health Certified Lifeguards	06/09/23	07/13/23
125-240	Pennsylvania Gaming Control Board Private Testing and Certification Facilities	05/23/23	07/13/23
16A-4956	State Board of Medicine Acupuncturists and Practitioners of Oriental Medicine	05/22/23	07/13/23
16A-6713	State Board of Occupational Therapy Education and Licensure Licensure by Endorsement	06/09/23	07/13/23
16A-5218	State Board of Optometry License by Endorsement	05/22/23	07/13/23

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-910. Filed for public inspection July 7, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Geisinger Health Plan, Geisinger Quality Options, Inc., and Geisinger Indemnity Insurance Company; Notice 2023-13

Risant Health, Inc. has filed an application to acquire control of Geisinger Health Plan, Geisinger Quality Options, Inc., and Geisinger Indemnity Insurance Company. The filing was received on June 26, 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 filing 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 kimsheaffe@pa.gov. Comments received will be part of the public record regarding the filings and will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-911. Filed for public inspection July 7, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Kristine Bixler; License Denial Appeal; Doc. No. AG23-06-011

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Kristine Bixler 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 August 1, 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 31, 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 18, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before July 31, 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 at (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-912. Filed for public inspection July 7, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

List of Approved Guide Source Method Vendors; Notice 2023-12

Under the authority of the Motor Vehicle Physical Damage Appraiser Act (63 P.S. §§ 851—863), the Insurance Commissioner lists guide source providers approved to calculate the replacement value of total loss or unrecovered vehicles under 31 Pa. Code § 62.3(e)(1)(i) (relating to applicable standards for appraisal).

A listing of approved guide source method providers will be published annually in the *Pennsylvania Bulletin*. In the interim, an updated listing will be available on the Insurance Department’s web site at www.insurance.pa.gov. Requests for this information may also be submitted to the Insurance Department, Bureau of Consumer Services, (877) 881-6388, fax (717) 787-8585, ra-insresponse@pa.gov.

Approved Guide Source Vendors

- Accurate ACV, LLC
221 East 11th Street
Kansas City, MO 64106
(816) 291-4818
www.accuacv.com
- Audatex (formerly ADP Claims Solution Group, Inc.)
15030 Avenue of Science, Suite 100
San Diego, CA 92128
(800) 237-4968
www.audatex.com
- Autobid, Inc.
10965 Lowell, Suite 1007
Overland Park, KS 66210
(913) 825-4800
www.autobid.com
- Automobile Red Book (including the Older Used Car Publication)
22701 West 68th Terrace, Suite 100

Shawnee, KS 66226-3583
(800) 654-6776
www.pricedigests.com

*Voicemail states Aircraft Blue Book. This number assists with Automobile Red Book.

- CARFAX Banking & Insurance Group
5860 Trinity Parkway, Suite 600
Centreville, VA 20120
www.CarfaxBIG.com
- CCC Information Services, Inc.
222 Merchandise Mart Plaza, Suite 900
Chicago, IL 60654-1105
(800) 621-8070
www.cccis.com
- DCI Solution
P.O. Box 9186
Rapid City, SD 57709
(855) 324-5465
www.dcisolution.com
- Mitchell International, Inc.
6220 Greenwich Drive
San Diego, CA 92122
(800) 238-9111
www.mitchell.com
- J.D. Power Values, formally NADA Official Used Car Guide (including Older Used Car Publications)
8400 Westpark Drive
McLean, VA 22102
(800) 544-6232
www.jdpower.com
- Vehicle Valuation Services
1 South 450 Summit Avenue
Suite 185
Oakbrook Terrace, IL 60181
(888) 475-9975
www.vvsi.com

This document supersedes the notice published at 49 Pa.B. 7060 (November 23, 2019) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-913. Filed for public inspection July 7, 2023, 9:00 a.m.]

MILK MARKETING BOARD

Sunshine Meetings for Fiscal Year 2023-2024

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, July 5, 2023	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, August 2, 2023	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, September 6, 2023	TBD	1 p.m.
Wednesday, October 4, 2023	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, November 1, 2023	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, December 6, 2023	TBD	1 p.m.
Wednesday, January 3, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, February 7, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, March 6, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, April 3, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, May 1, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, June 5, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.

CAROL HARDBARGER,
Secretary

[Pa.B. Doc. No. 23-914. Filed for public inspection July 7, 2023, 9:00 a.m.]

OFFICE OF THE STATE FIRE COMMISSIONER

Application for the Fire Company and Emergency Medical Service Grant Program

This notice provides information about the Fire Company and Emergency Medical Service Grant Program (Program) established under 35 Pa.C.S. Chapter 78, Subchapters B and C (relating to Fire Company Grant Program; and Emergency Medical Services Grant Program) as amended by the act of October 29, 2020 (P.L. 739, No. 91). Fire, rescue and emergency medical service companies seeking grants under the Program shall submit completed applications no later than 4 p.m. on October 20, 2023. Written instructions and guidelines for the 2023-2024 Program and grant applications will be available online at the Office of State Fire Commissioner's web site at www.osfc.pa.gov no later than September 6, 2023.

THOMAS COOK,
Commissioner

[Pa.B. Doc. No. 23-915. Filed for public inspection July 7, 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 24, 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 24, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the 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-2023-3040616. Steeler Limousine, LLC (801 Broadford Road, Connellsville, Fayette County, PA 15425) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3041289. W. E. Transportation Services, LLC (1552 Cooper Avenue, Pittsburgh, Allegheny County, PA 15212) for the right to begin to transport, as a

common carrier, by motor vehicle, persons in paratransit service, from points in Allegheny County, to points in Pennsylvania, and return; excluding the City and County of Philadelphia.

A-2023-3041466. Aero NEMT Non Emergency Medical Transportation Philadelphia, LLC (1500 Chestnut Street, Suite 2-1863, Philadelphia, Philadelphia County, PA 19102) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency medical paratransit service, between points in the City and County of Philadelphia.

Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2023-3041483. Janet L. Potter (342 Davidson Road, Jersey Shore, Lycoming County, PA 17740) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-2023-3038262, persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in Clinton and Lycoming Counties, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-916. Filed for public inspection July 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due July 24, 2023, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. 4 Sure Contracting and Excavating, LLC; Docket No. C-2023-3032463

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That 4 Sure Contracting and Excavating, LLC, Respondent, maintains a principal place of business at 502 Eastview Drive, Irwin, PA 15642.

2. On May 16, 2022, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925188. Respondent was further advised "Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the *Pennsylvania Code* may be accessed on the World Wide Web at www.pacode.com."

3. On January 23, 2023, through February 22, 2023, PUC Enforcement Officer Christopher Urey contacted the Respondent by phone and recorded voicemails requesting contact regarding the Safety Fitness Review. On February 22, 2023, a certified letter was sent to the Respondent. The certified return card was received by the Western Regional Office with a signature dated February 25, 2023. No attempts to contact Officer Urey have been made by the Respondent.

4. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa. Code § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. Code § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925188.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to 4 Sure Contracting and Excavating, LLC, at PUC utility code no. 8925188.

Respectfully submitted,
Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
100 Lackawanna Avenue, Room 320
Scranton, PA 18503

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 25 April 2023

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Carter's Trucking, LLC; Docket No. C-2023-3037753

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Carter's Trucking, LLC, Respondent, maintains a principal place of business at 779 Alter Street, Hazleton, PA 18301.

2. On January 20, 2023, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925843. Respondent was further advised "Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the *Pennsylvania Code* may be accessed on the World Wide Web at www.pacode.com."

3. On February 9, 2023, PUC Enforcement Officer Barry Pacovsky contacted the Respondent by first class mail. Several attempts were made by phone beginning on February 9th through April 19, 2023. An email was also sent on February 21, 2023. A certified letter was sent on April 25, 2023, which was returned to the Scranton Regional Office on May 3, 2023. Each of these attempts the Respondent has failed to respond.

4. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa. Code § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. Code § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925843.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to Carter's Trucking, LLC, at PUC utility code no. 8925843.

Respectfully submitted,
 Andrew Turriziani, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 100 Lackawanna Avenue, Room 320
 Scranton, PA 18503

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 25 April 2023

Andrew Turriziani, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-917. Filed for public inspection July 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041419. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC. Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC, by their counsel, filed on June 22, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-918. Filed for public inspection July 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041420. Commonwealth Telephone Co., d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania. Joint petition of Commonwealth Telephone Co., d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania for approval of an amended interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Co., d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania, by their counsel, filed on June 22, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Commonwealth Telephone Co., d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania's joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-919. Filed for public inspection July 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041421. Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC. Joint petition of Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC, by their counsel, filed on June 22, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-920. Filed for public inspection July 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041424. Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Phone of Pennsylvania. Joint petition of Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Phone of Pennsylvania for approval of an amendment to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Phone of Pennsylvania, by their counsel, filed on June 22, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Phone of Pennsylvania joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-921. Filed for public inspection July 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041489. Windstream D&E, Inc. and Onvoy, LLC. Joint petition of Windstream D&E, Inc. and Onvoy, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream D&E, Inc. and Onvoy, LLC, by their counsel, filed on June 26, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream D&E, Inc. and Onvoy, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-922. Filed for public inspection July 7, 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 24, 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-23-06-03. The Rashid Group, LLC (7245 Walnut Street, 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.

nia, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-923. Filed for public inspection July 7, 2023, 9:00 a.m.]

STATE CHARTER SCHOOL APPEAL BOARD

Schedule of Meetings

The State Charter School Appeal Board will meet as follows:

<i>Date</i>	<i>Time</i>	<i>Location*</i>
Tuesday, September 12, 2023	1 p.m.	Honors Suite*
Tuesday, October 17, 2023	1 p.m.	Honors Suite*
Tuesday, December 5, 2023	1 p.m.	Honors Suite*
Tuesday, January 9, 2024	1 p.m.	Honors Suite*
Tuesday, February 13, 2024	1 p.m.	Honors Suite*
Tuesday, April 9, 2024	1 p.m.	Honors Suite*
Tuesday, May 14, 2024	1 p.m.	Honors Suite*
Tuesday, June 11, 2024	1 p.m.	Honors Suite*

*These meetings will be held virtually by means of Zoom unless due and timely notice to the contrary is given. Specific Zoom information will be provided for each meeting. Individuals should visit <https://www.education.pa.gov/K-12/Charter%20Schools/Appeals/Pages/CAB-Meeting-Dates.aspx> for logon information and agenda.

The Department of Education is located at 333 Market Street, Harrisburg, PA. The Honors Suite is located on the 1st Floor (take the second bank of elevators to the 1st Floor).

Persons with disabilities needing special accommodations to attend the meeting may contact Sara Hockenberry, Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126, (717) 787-5500, or the Pennsylvania Hamilton Relay Service, (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

SARA M. HOCKENBERRY,
Board Counsel

[Pa.B. Doc. No. 23-924. Filed for public inspection July 7, 2023, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June Meeting

As part of its regular business meeting held on June 15, 2023, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects and took additional actions, as set forth in the Supplementary Information as follows.

The business meeting was held on June 15, 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. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary, these actions were also taken: (1) election of Commission officers for Fiscal Year (FY) 2024; (2) reconciliation of the FY 2024 budget; (3) approval of an easement agreement; (4) adoption of general permit GP-02 groundwater withdrawals for emergency uses or maintenance activities; (5) adoption of Water Resources Program for FY 2024; (6) approval an emergency certificate extension; and (7) approval of a waiver of application fees.

Project Applications Approved:

1. Project Sponsor: Biglerville Borough Authority. Project Facility: Biglerville Borough Water Company, Biglerville Borough and Butler Township, Adams County, PA. Application for renewal of groundwater withdrawal of up to 0.112 mgd (30-day average) from Well 7 (Docket No. 19930503).

2. Project Sponsor and Facility: Blackhill Energy, LLC (Susquehanna River), Ulster Township, Bradford County, PA. Application for surface water withdrawal of up to 3.024 mgd (peak day).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), North Towanda Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180602).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Asylum Township, Bradford County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

5. Project Sponsor: Coal Mountain Development and Recreation, LLC. Project Facility: Eagles Ridge Golf Course, Ferguson Township, Clearfield County, PA. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20080613).

6. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Naginey Facility (Naginey Quarry Processing Pond), Armagh Township, Mifflin County, PA. Modification to increase groundwater withdrawal (30-day average) by an additional 0.425 mgd, for a total groundwater withdrawal of up to 0.725 mgd (Docket No. 20211204).

7. Project Sponsor: Hazleton City Authority. Project Facility: Delano Division, Mahanoy Township, Schuylkill County, PA. Application for groundwater withdrawal of up to 0.275 mgd (30-day average) from Park Place Well 1.

8. Project Sponsor and Facility: Hillandale-Gettysburg, LP, Tyrone Township, Adams County, PA. Application for groundwater withdrawal of up to 0.050 mgd (30-day average) from Well 5.

9. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20180603).

10. Project Sponsor: Milton Hershey School. Project Facility: Spring Creek Golf Course, Derry Township, Dauphin County, PA. Application for renewal of consumptive use of up to 0.081 mgd (peak day) (Docket No. 20080615).

11. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 1.498 mgd (peak day) (Docket No. 20180605).

12. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Laflin Quarry, Plains Township, Luzerne County, PA. Applications for consumptive use (peak day) of up to 0.040 mgd and groundwater withdrawals (30-day averages) of up to 0.110 mgd from Well 1, 0.132 mgd from Well 2, 0.484 mgd from Well 3, 0.110 mgd from Well 4, 0.209 mgd from Well 5 and 0.209 mgd from Well 6.

13. Project Sponsor and Facility: Northeast Marcellus Aqua Midstream I, LLC (Susquehanna River), Tunkhannock Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 5.000 mgd (peak day) (Docket No. 20200919).

14. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Pine Creek), Watson Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.918 mgd (peak day) (Docket No. 20180608).

15. Project Sponsor and Facility: Pilgrim's Oak Golf Course (Peters Creek and Unnamed Tributary to Peters Creek), Drumore Township, Lancaster County, PA. Applications for renewal of surface water withdrawal of up to 0.237 mgd (peak day) and consumptive use of up to 0.237 mgd (30-day average) (Docket No. 19980505).

16. Project Sponsor and Facility: Pro-Environmental, LLC (Martins Creek), Lathrop Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180609).

17. Project Sponsor and Facility: Repsol Oil & Gas U.S.A., LLC (Fall Brook), Troy Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.176 mgd (peak day) (Docket No. 20180610).

18. Project Sponsor and Facility: Repsol Oil & Gas U.S.A., LLC (Unnamed Tributary to North Branch Sugar Creek), Columbia Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.926 mgd (peak day) (Docket No. 20180611).

19. Project Sponsor and Facility: State College Borough Water Authority, Benner Township, Centre County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 2.160 mgd from Well 62, 0.720 mgd from Well 63, 0.850 mgd from Well 64 and 0.720 mgd from Well 65 (Docket No. 19920102).

20. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Bowman Creek), Eaton Township, Wy-

oming County, PA. Application for renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20180612).

21. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Susquehanna River), Meshoppen Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 1.650 mgd (peak day) (Docket No. 20180614).

22. Project Sponsor and Facility: SWN Production Company, LLC (Cowanesque River), Deerfield Township, Tioga County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

23. Project Sponsor and Facility: Titanium Metals Corporation (TIMET), Caernarvon Township, Berks County, PA. Application for renewal of consumptive use of up to 0.177 mgd (30-day average) (Docket No. 20080616).

24. Project Sponsor and Facility: Town Big Flats, Chemung County, NY. Applications for renewal with an increase of groundwater withdrawals (30-day averages) of up to 0.577 mgd from W.D. 2-Well 1 and 0.365 mgd from W.D. 2-Well 2 (Docket No. 19910304).

25. Project Sponsor and Facility: Town of Erwin, Steuben County, NY. Application for groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 7.

Commission-Initiated Project Approval Modification:

1. Project Sponsor and Facility: Village of Oxford, Town of Oxford, Chenango County, NY. Conforming the grandfathered amount with the forthcoming determination for groundwater withdrawals (30-day averages) of up to 0.402 mgd from Well 1 and 0.099 mgd from Well 2 (Docket No. 20040601).

Projects Tabled:

1. Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.460 mgd (30-day average) from Well 7 (Docket No. 20070907).

2. Project Sponsor and Facility: Nicholas Meat, LLC, Greene Township, Clinton County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.288 mgd from Well WS-1, 0.173 mgd from Well WS-3 and 0.144 mgd from Well WS-4.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: June 21, 2023

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 23-925. Filed for public inspection July 7, 2023, 9:00 a.m.]