

# PENNSYLVANIA BULLETIN

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

**No. 585, August 2023**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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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**.

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### 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

## GOVERNOR'S OFFICE

### Proclamation; House Bill No. 611, Printer's No. 1811

I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and, in compliance with the provisions of Section 15 of Article IV of the Constitution of Pennsylvania, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, a copy of the disapproved portion of the following bill passed by both houses of the General Assembly at the Regular Session of 2023-2024:

House Bill No. 611, Printer's No. 1811, entitled "An act [t]o provide appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; and to provide for the additional appropriation of Federal and State funds to the Executive and Legislative Departments for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022."

*Given* under my hand and the Great Seal of the Commonwealth, at the County of Dauphin, this third day of August, in the year of our Lord two thousand and twenty three, and of the Commonwealth the two hundred and forty-eight.



Governor

Attest:

MIRA E. BAYLSON,  
*Executive Deputy Secretary*

[Pa.B. Doc. No. 23-1109. Filed for public inspection August 18, 2023, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto; House Bill No. 611, Printer's No. 1811

August 3, 2023

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania

Pursuant to Article IV, Section 16 of the Pennsylvania Constitution, I am returning this appropriation bill, House Bill 611, Printer's Number 1811, to your chamber.

For the first time in a dozen years, Pennsylvania has a divided legislature. In fact, Pennsylvania is the only state in the nation with a full-time, divided legislature—meaning nothing gets done unless it can make it through our Republican-led Senate and our Democratic-led House.

Over the past several months, I have worked with leaders in both chambers to craft a commonsense, responsible budget that makes critical

investments in public safety, agriculture, education, workforce and economic development, delivers tax cuts for our seniors, and much more. This budget will help train more workers for good-paying jobs, support farmers as they work to feed our families, expand access to mental health treatment, and provide resources for our first responders and law enforcement. This budget also includes historic investments in public education, including the largest increase in basic education funding in history, universal free breakfast for 1.7 million Pennsylvania students, more funding for special education, stipends for student teachers, and expanded dual enrollment programs for high school students.

Regrettably, the House and Senate were unable to reach an agreement on legislation establishing the Pennsylvania Award for Student Success Scholarship Program (PASS); a proposal I support. As I said in my budget address, this budget is a first step towards a comprehensive solution that makes progress for our children over the long term, and I look forward to continuing this work with both chambers as we discuss additional programs to help our children, including PASS.

Knowing that the two chambers cannot reach consensus at this time to enact enabling legislation for PASS and my unwillingness to hold up our entire budget process and all of this progress for the people of Pennsylvania over this one issue, I am line-item vetoing the full \$100 million appropriated for PASS and signing this budget so we can make the critical investments our communities need. Improving and expanding opportunities for children remains a priority for me, and I consider this to be unfinished business all parties must work together on as we move forward.

It has become clear through this budget process that our divided legislature needs to find ways to work together so that we can address the challenges facing our Commonwealth, from education to public safety to economic development. Leaders from both parties need to talk with one another, understand each other’s perspectives and meaningfully engage each other.

I look forward to continuing to work with both chambers—and both parties—to move Pennsylvania forward.

For these reasons, I return the bill to your chamber partially approved and signed. The bill is approved with the exception of the item listed below:

Section 215. Department of Education

The following amounts are appropriated from the General Fund to the Department of Education for the current fiscal year:

\* \* \*

For Pennsylvania Award for Student Success  
Scholarship Program.  
State Appropriation . . . . . 100,000,000

I withhold my approval from this entire item.

Respectfully,



Governor

[Pa.B. Doc. No. 23-1110. Filed for public inspection August 18, 2023, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 200 ]

#### Order Amending Rule 230.2 of the Pennsylvania Rules of Civil Procedure; No. 743 Civil Procedural Rules Docket

#### Order

#### *Per Curiam*

And Now, this 8th day of August, 2023, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 53 Pa.B. 1160 (March 4, 2023):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 230.2 of the Pennsylvania Rules of Civil Procedure is amended in the attached form.

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

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

Deletions from the rule are shown in bold and brackets.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

*(Editor's Note: Rule 230.2 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")*

#### Rule 230.2. Termination of Inactive Cases.

(a) ***General Rule.*** At least once a year, the court shall initiate proceedings to terminate cases in which there has been no activity of record for two years or more, and shall report such information to the Court Administrator of Pennsylvania on a form supplied by the Administrative Office of Pennsylvania Courts or in such format as requested from time to time by the Administrative Office of Pennsylvania Courts.

**[ Note: This rule provides an administrative method for the termination of inactive cases. ]**

#### (b) ***Notice of Proposed Termination.***

(1) For each case identified pursuant to subdivision (a), the court shall serve a notice of proposed termination on counsel of record, and on the parties if not represented, **[ thirty ] 30** days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.

(2) The notice shall be served electronically pursuant to Rule 205.4(g)(1), or pursuant to Rule 440 on counsel of record and on the parties, if not represented, at the last address of record.

**[ Note: If the notice mailed to an attorney is returned by the postal service, the prothonotary should check the website of the Disciplinary Board of the Supreme Court of Pennsylvania, [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org), for a current address.**

See subdivision (f) for the form of notice. ]

(c) ***Termination.*** If no statement of intention to proceed has been filed on or before the date of the proposed termination, the prothonotary shall enter an order as of course terminating the matter for failure to prosecute.

**[ Note: The prothonotary may not enter an order terminating the action until more than thirty days after service of the notice of proposed termination.**

**A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed. ]**

#### (d) ***Reinstatement.***

(1) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action.

(2) If the petition is filed within **[ sixty ] 60** days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action.

**[ Note: The provision under subdivision (d)(2) for filing a petition within sixty days is not intended to set a standard for timeliness in proceedings outside this rule. ]**

(3) If the petition is filed more than **[ sixty ] 60** days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action upon a showing that:

(i) the petition was timely filed following the entry of the order for termination; and

(ii) there is a reasonable explanation or a legitimate excuse for the failure to file both:

(A) the statement of intention to proceed prior to the entry of the order of termination on the docket; and [ , ]

(B) the petition to reinstate the action within **[ sixty ] 60** days after the entry of the order of termination on the docket.

**[ Note: The provision under subdivision (d)(2) for filing a petition within sixty days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3). ]**

(e) ***Termination with Prejudice.*** Any case which is reinstated pursuant to subdivision (d) shall be subject to termination with prejudice upon a subsequent termination pursuant to subdivision (a). No subsequent reinstatements shall be granted.

(f) **Form Notice of Proposed Termination.** The notice required by subdivision (b) shall be in the following form:

\* \* \* \* \*

(g) **Form Statement of Intention to Proceed.** The statement of intention to proceed shall be in the following form:

\* \* \* \* \*

(h) **Required Status Conference.** Upon receipt of a statement of intention to proceed, the court [ **may** ] **shall** schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case.

**Comment:**

**This rule provides an administrative method for the termination of inactive cases.**

**Subdivision (b). If the notice mailed to an attorney is returned by the postal service, the prothonotary should check the website of the Disciplinary Board of the Supreme Court of Pennsylvania, [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org), for a current address.**

**Subdivision (c). The prothonotary may not enter an order terminating the action until more than 30 days after service of the notice of proposed termination. A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed.**

**Subdivision (d). The provision under subdivision (d)(2) for filing a petition within 60 days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3). In addition, the standard in subdivision (d)(2) is not intended to set a standard for timeliness in proceedings outside this rule.**

*(Editor's Note: The following Explanatory Comments have not been previously codified in the Pennsylvania Code. They are printed in medium type to enhance readability.)*

**Historical Commentary**

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

**EXPLANATORY COMMENT—2003**

The Supreme Court of Pennsylvania has promulgated new Rule of Civil Procedure 230.2 governing the termination of inactive cases and amended Rule of Judicial Administration 1901. Two aspects of the recommendation merit comment.

***I. Rule of Civil Procedure***

New Rule of Civil Procedure 230.2 has been promulgated to govern the termination of inactive cases within the scope of the Pennsylvania Rules of Civil Procedure. The termination of these cases for inactivity was previously governed by Rule of Judicial Administration 1901 and local rules promulgated pursuant to it. New Rule 230.2 is tailored to the needs of civil actions. It provides a complete procedure and a uniform statewide practice, preempting local rules.

This rule was promulgated in response to the decision of the Supreme Court in *Shope v. Eagle*, 551 Pa. 360, 710 A.2d 1104 (1998) in which the court held that “prejudice to the defendant as a result of delay in prosecution is required before a case may be dismissed pursuant to local rules implementing Rule of Judicial Administration 1901.”

Rule of Judicial Administration 1901(b) has been amended to accommodate the new rule of civil procedure. The general policy of the prompt disposition of matters set forth in subdivision (a) of that rule continues to be applicable.

***II. Inactive Cases***

The purpose of Rule 230.2 is to eliminate inactive cases from the judicial system. The process is initiated by the court. After giving notice of intent to terminate an action for inactivity, the course of the procedure is with the parties. If the parties do not wish to pursue the case, they will take no action and “the prothonotary shall enter an order as of course terminating the matter with prejudice for failure to prosecute.” If a party wishes to pursue the matter, he or she will file a notice of intention to proceed and the action shall continue.

***a. Where the action has been terminated***

If the action is terminated when a party believes that it should not have been terminated, that party may proceed under Rule 230(d) for relief from the order of termination. An example of such an occurrence might be the termination of a viable action when the aggrieved party did not receive the notice of intent to terminate and thus did not timely file the notice of intention to proceed.

The timing of the filing of the petition to reinstate the action is important. If the petition is filed within thirty days of the entry of the order of termination on the docket, subdivision (d)(2) provides that the court must grant the petition and reinstate the action. If the petition is filed later than the thirty-day period, subdivision (d)(3) requires that the plaintiff must make a showing to the court that the petition was promptly filed and that there is a reasonable explanation or legitimate excuse both for the failure to file the notice of intention to proceed prior to the entry of the order of termination on the docket and for the failure to file the petition within the thirty-day period under subdivision (d)(2).

***b. Where the action has not been terminated***

An action which has not been terminated but which continues upon the filing of a notice of intention to proceed may have been the subject of inordinate delay. In such an instance, the aggrieved party may pursue the remedy of a common law non pros which exists independently of termination under Rule 230.2.

**EXPLANATORY COMMENT—2015**

In 2014, the Supreme Court of Pennsylvania made efforts to reduce the inventory of civil cases on the dockets of the Courts of Common Pleas. To expedite that process, it suspended Rule 230.2 governing the termination of inactive cases. Originally adopted in 2003, Rule 230.2 implemented the general policy provisions of Rule of Judicial Administration 1901(a) governing the prompt disposition of matters and the termination of inactive cases. While Pa.R.J.A. No. 1901(a) provided general guidelines for conducting an administrative purge, Rule 230.2 set forth a procedural mechanism for a court to perform an administrative purge of cases that had remained on the civil docket for two or more years with no evidence of any activity.



The Court has amended and reinstated Rule 230.2. The amendments have streamlined the procedure for the trial court to conduct an administrative purge of inactive cases, and are intended to ensure that the civil dockets reflect the current inventory of active cases, while encouraging attorneys to expeditiously litigate their cases.

Several concerns with the suspended Rule 230.2 were identified. The suspended rule did not specify how often a court should conduct an administrative purge; it only provided a procedure should a court decide to conduct an administrative purge. In order to ensure that the civil case inventory is accurate, the amendment of subdivision (a) requires a court to conduct an administrative purge at least once a year. The court is also required to report such information to the Court Administrator of Pennsylvania with a form supplied by the Administrative Office of Pennsylvania Courts.

A second problem identified with suspended Rule 230.2 was the provision for service of the notice of proposed termination in subdivision (b). In subdivision (b)(1), the suspended rule required service of the notice of proposed termination on counsel of record or unrepresented parties at least sixty days prior to the date of termination. To expedite the process, the amendment of subdivision (b)(1) shortens that time frame and require the notice to be served to at least thirty days prior to the date of termination.

The suspended rule did not provide for modern, efficient methods for giving notice to counsel or unrepresented parties that cases were identified as having no activity on the docket for the previous two years. Subdivision (b)(2) of the suspended rule provided for the notice to be served by mail pursuant to Rule 440 at the last address of record. In the event that the notice was returned, publication was required in the legal publication designated by the court for such notices. In conjunction with the shortened time frame in subdivision (b)(1), the amendment of subdivision (b)(2) updates the method for giving notice by allowing the notice to be served electronically pursuant to Rule 205.4 governing electronic filing. The ability to serve notice by mail pursuant to Rule 440 has been retained, but publication in the legal journal when a notice has been returned has been eliminated.

A third problem identified with suspended Rule 230.2 was the filing of statements of intention to proceed in order to keep a case active, but then not requiring any further obligation on counsel or an unrepresented party to move the case forward to resolution. Subdivision (c) of the suspended rule required an attorney or unrepresented party to file a statement of intention to proceed before the termination date stated in the notice in order to prevent the purging of the case from the docket. If no statement of intention to proceed was filed, the prothonotary was directed to enter an order terminating the matter for failure to prosecute. In the newly amended rule, this provision has been retained. However, new subdivision (h) encourages the trial court to manage its cases by scheduling a status conference and establishing appropriate timelines to insure a timely and efficient disposition of the case.

Importantly, the amendment of Rule 230.2 retains the post-termination procedure set forth in subdivision (d) of

the suspended rule, which allows a party to petition the court to reinstate the action. The suspended rule provided certain requirements for reinstatement depending whether the petition is filed within thirty days or beyond thirty days. While the requirements remain unchanged, subdivision (d) has been amended to provide for sixty days rather than thirty days. New subdivision (e), however, limits reinstatements of a case. If any case, previously reinstated, is terminated pursuant to this rule, then it is terminated with prejudice. No additional reinstatements will be granted. This provision is intended to encourage the efficient litigation of cases and to not let them languish on the docket.

#### **CIVIL PROCEDURAL RULES COMMITTEE ADOPTION REPORT**

##### **Amendment of Pa.R.Civ.P. 230.2**

On August 8, 2023, the Supreme Court of Pennsylvania adopted amendments to Pennsylvania Rule of Civil Procedure 230.2. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

On behalf of the Supreme Court, the Committee published for comment a proposed amendment of Pa.R.Civ.P. 230.2 to make mandatory the scheduling of a status conference for all cases and to establish a timeline for timely disposition when a statement of intention to proceed is returned following the issuance of a notice of proposed termination. *See* 53 Pa.B. 1160 (March 4, 2023).

Pa.R.Civ.P. 230.2(a) provides that “[a]t least once a year, the court shall initiate proceedings to terminate cases in which there has been no activity of record for two years or more.” Parties receiving a notice of termination may file a notice of intention to proceed, which serves to preclude termination. The prior version of Pa.R.Civ.P. 230.2(h) provided for *discretionary* court involvement following receipt of such notice: “Upon receipt of a statement of intention to proceed, the court *may* schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case.” (emphasis added).

This discretionary provision resulted in a practice, in some counties, in which the parties file sequential notices to proceed without engaging in any other case-related activity and without triggering further court involvement. Consequently, inactive civil cases appeared to continue to languish on a court’s docket. To encourage timely and efficient disposition, the amendment of subdivision (h) requires the court to schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case when a statement of intention to proceed is returned to the court for an inactive case.

The Committee received no comments to publication and made no further substantive changes to the published proposal. Notwithstanding, stylistic revisions to the rule were also made.

The amendments become effective immediately.

[Pa.B. Doc. No. 23-1111. Filed for public inspection August 18, 2023, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### [ 231 PA. CODE CHS. 200 AND 1500 ]

Order Amending Rules 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574 of the Pennsylvania Rules of Civil Procedure; No. 744 Civil Procedural Rules Docket

### Order

*Per Curiam*

And Now, this 8th day of August, 2023, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 4262 (August 7, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574 of the Pennsylvania Rules of Civil Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2023.

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

Deletions from the rule are shown in bold and brackets.

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 216. Grounds for Continuance.

[ (A) ] (a) \* \* \* \* \*

(1) \* \* \* \*

(2) \* \* \* \*

(3) \* \* \* \*

[ (a) ] (i) \* \* \* \* \*

[ (b) ] (ii) \* \* \* \* \*

[ (c) ] (iii) \* \* \* \* \*

[ (d) ] (iv) \* \* \* \* \*

(4) \* \* \* \*

(5) The scheduling of counsel to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether:

[ (a) ] (i) as counsel for a respondent-attorney before a hearing committee, [ **special master** ] **hearing officer**, the Disciplinary Board or the Supreme Court;

[ (b) ] (ii) as a [ **special master** ] **hearing officer** or member of a hearing committee; or

[ (c) ] (iii) as a member of the Disciplinary Board;

(6) \* \* \* \*

[ (a) ] (i) \* \* \* \* \*

[ (b) ] (ii) \* \* \* \* \*

[ (B) ] (b) \* \* \* \* \*

[ (C) ] (c) \* \* \* \* \*

[ (D) ] (d) No continuance shall be granted due to the absence from court of a witness duly subpoenaed, unless:

(1) Such witness will be absent because of facts arising subsequent to the service of the subpoena and which would be a proper ground for continuance under the provisions of [ **Rule 216(A)** ] **Rule 216(a)**; or

(2) \* \* \* \*

(3) The witness, having attended at court has departed without leave, and an application for attachment is made promptly after the discovery of the absence of such witness; or the court is satisfied that the witness has left court for reasons which would be a proper ground for continuance under [ **Rule 216(A)** ] **Rule 216(a)**.

[ (E) ] (e) \* \* \* \* \*

[ (F) ] (f) [ **Rule 216(B)—(E)** ] **Rule 216(b)—(e)** and Rule 217 shall not be applicable to a continuance granted for any of the reasons set forth in [ **Rule 216(A)(5) or (6)** ] **Rule 216(a)(5) or (6)**.

*(Editor’s Note:* Rule 227.1 as printed in 231 Pa. Code reads “Official Note” rather than “Note.”)

#### Rule 227.1. Post-Trial Relief.

(a) \* \* \* \*

[ **Note:** The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit and exceptions following the decision of the judge in a trial without jury.

The following rules provide for the filing of exceptions, e.g., Equity Rule 1534 (exceptions to a fiduciary’s account), Partition Rule 1569 (exceptions to a master’s report) and Divorce Rule 1920.55-2 (exceptions to a master’s report), Support Rule 1910.12(e) (exceptions to a hearing officer’s report) and Execution Rule 3136(d) (exceptions to sheriff’s schedule of proposed distribution). ]

(b) \* \* \* \*

[ **Note:** If no objection is made, error which could have been corrected in pre-trial proceedings or during trial by timely objection may not constitute a ground for post-trial relief.

Pa.R.E. 103(a) provides that the specific ground for an overruled objection, or the substance of excluded evidence, need not be stated at or prior to trial, or without having made an offer of proof, if the ground of the objection, or the substance of the evidence sought to be introduced, was apparent from the context. ]

(c) \* \* \* \*

[ **Note:** A motion for post-trial relief may be filed following a trial by jury or a trial by a judge without a jury pursuant to Rule 1038. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings or for summary judgment, motions relating to discovery or other proceedings which do not constitute a trial. See *U.S. National Bank in Johnstown v. Johnson*, 487 A.2d 809 (Pa. 1985).



A motion for post-trial relief may not be filed to matters governed exclusively by the rules of petition practice.

The filing of a motion for post-trial relief is prohibited by the following rules: Rule 1557 (order directing partition) and Rule 1930.2 (no post-trial practice in domestic relations matters). ]

- (d) \* \* \* \* \*
- (e) \* \* \* \* \*
- (f) \* \* \* \* \*
- (g) \* \* \* \* \*

[*Note:* See 2 Pa.C.S. § 101 for the definition of “local agency.”]

See section 933(a)(1) of the Judicial Code, 42 Pa.C.S. § 933(a)(1), which provides for jurisdiction of appeals from determinations of particular Commonwealth agencies to be in the courts of common pleas. ]

- (h) \* \* \* \* \*

[*Note:* Subdivision (h) eliminates any distinction with respect to the filing of a motion for post-trial relief between jury and non-jury trials following an appeal from the decision of viewers in eminent domain proceedings. ]

- (i) \* \* \* \* \*

**Comment:**

Subdivision (a). The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit and exceptions following the decision of the judge in a trial without jury.

The following rules provide for the filing of exceptions, e.g., Rule 1534 (exceptions to a fiduciary’s account), Rule 1569 (exceptions to a hearing officer’s report in partition), Rule 1920.55-2 (exceptions to a hearing officer’s report in an action for divorce), Rule 1910.12(e) (exceptions to a hearing officer’s report in an action for support), and Rule 3136(d) (exceptions to sheriff’s schedule of proposed distribution).

Subdivision (b) states two requirements for the granting of post-trial relief. First, the grounds for the relief requested must have been raised in pre-trial proceedings or at trial and, second, they must be stated in the motion. Under subdivision (b)(1), if no objection is made, error which could have been corrected in pre-trial proceedings, i.e., a ground for a new trial or a judgment notwithstanding the verdict, or during trial by timely objection, may not constitute a ground for post-trial relief. It must be raised timely in pre-trial proceedings or during the trial, thus affording the court the opportunity to correct the error.

Pa.R.E. 103(a) provides that the specific ground for an overruled objection, or the substance of excluded evidence, need not be stated at or prior to trial, or without having made an offer of proof, if the ground of the objection, or the substance of the evidence sought to be introduced, was apparent from the context.

Under subdivision (b)(2), motions which set forth mere “boilerplate” language are specifically disapproved. Rather, the motion must state “the specific grounds therefor.” A post-trial motion must set forth the theories in support thereof “so that the lower court will know what it is being asked to decide.” *Frank v. Peckich*, 391 A.2d 624, 632-633 (Pa. Super. 1978).

Subdivision (c). A motion for post-trial relief may be filed following a trial by jury or a trial by a judge without a jury pursuant to Rule 1038. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings, motions for summary judgment, or motions relating to discovery or other proceedings, which do not constitute a trial. See *U.S. National Bank in Johnstown v. Johnson*, 487 A.2d 809 (Pa. 1985).

A motion for post-trial relief may not be filed to matters governed exclusively by the rules of petition practice.

The filing of a motion for post-trial relief is prohibited by the following rules: Rule 1557 (order directing partition) and Rule 1930.2 (no post-trial practice in domestic relations matters).

Subdivision (g). See 2 Pa.C.S. § 101 for the definition of “local agency.”

See 42 Pa.C.S. § 933(a)(1) providing for jurisdiction of appeals from determinations of particular Commonwealth agencies to be in the courts of common pleas.

Subdivision (h). Any distinction with respect to the filing of a motion for post-trial relief between jury and non-jury trials following an appeal from the decision of viewers in eminent domain proceedings is eliminated.

*(Editor’s Note:* The following Explanatory Comments have not been previously codified in the *Pennsylvania Code*. They are printed in medium text to enhance readability.)

**Historical Commentary**

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

**EXPLANATORY COMMENT—1983**

*Introduction*

The Judicial Code and the Judiciary Act Repealer Act (JARA) have repealed Acts of Assembly which formed the basis for the entry of compulsory nonsuits and post-trial practice. The Code and JARA contemplate that the subject matter of the repealed statutes shall be governed by general rules. These amendments to the Rules of Civil Procedure supply the necessary procedure.

The amendments abolish the distinctions which have existed heretofore in post-trial practice. A party who seeks post-trial relief will do so by filing a Motion for Post-Trial Relief irrespective of whether the action is at law or in equity or whether the action is tried with or without a jury. New Rules 227.1 to 227.4 inclusive apply to all such actions.

A detailed analysis of the changes in practice effected by the amendments follows each rule.

*Conforming Amendments*

In view of the new consolidated post-trial practice under Rule 227.1, a number of conforming amendments

are made to rules governing the actions in equity and for partition, the family law actions of support and divorce and actions involving minors and incompetents.

The amendment to Rule 1557 governing partition reverses the current practice of filing exceptions to an order directing partition. The amended rule specifically provides that exceptions to such an order shall not be filed. Rather, relief may be sought through an appeal in accordance with Rule of Appellate Procedure 311(a)(6), as indicated in the note to Rule 1557.

The term “exceptions” is used in the rules in contexts other than post-trial practice. No amendment is made to rules using the term in such other contexts. Thus under Rule 227, a party need not take “exception” to any ruling of the trial judge. A party must still file “exceptions” to an auditor’s report under Rule 1530, a master’s report under Partition Rule 1569, a hearing officer’s report under Support Rule 1910.12, a master’s report under Divorce Rule 1920.55 and a schedule of distribution under Execution Rule 3136.

#### Rule 227.1

Rule 227.1 is entirely new. It includes several subjects not previously covered by the Rules of Civil Procedure.

Subdivision (a) authorizes the court to grant post-trial relief upon motion. This provision is necessary because JARA has repealed the statutes which formerly provided that authorization. The rule specifies the relief which may be granted and does not alter the prior practice.

Subdivision (a) prescribes the filing of a “written Motion for Post-Trial Relief”. Motions for New Trial, for Judgment Notwithstanding the Verdict, and for Judgment Upon the Whole Record will no longer be filed following a trial by jury. Exceptions will no longer be filed following a trial by a judge without a jury or an equity trial. The relief heretofore available through these motions and exceptions remains available through the new Motion for Post-Trial Relief.

Subdivision (b) states two requirements for the granting of post-trial relief. First, the grounds for the relief requested must have been raised in pre-trial proceedings or at trial and, second, they must be stated in the motion.

Subdivision (b)(1) incorporates into the rule the principle of *Dilliplaine v. Lehigh Valley Trust Co.*, 457 Pa. 255, 322 A.2d 114 (1974), that basic and fundamental error is not a ground for a new trial in the absence of a timely objection at the trial. The rule extends the principle to all post-trial relief. A ground for a new trial or a judgment notwithstanding the verdict may not be raised for the first time in the Motion for Post-Trial Relief. It must be raised timely in pre-trial proceedings or during the trial, thus affording the court the opportunity to correct the error.

In *Yudacufski v. Commonwealth, Department of Transportation*, 499 Pa. 605, 454 A.2d 923 (1982), the Supreme Court noted that the Rules of Civil Procedure governing post-trial practice “do not specifically include a requirement that pre-trial rulings must be raised in post-trial motions in order to be preserved.” Subdivision (b) now contains such a provision.

Subdivision (b)(2) specifies the requisites of the motion for post-trial relief. It must state the specific grounds for the relief sought and “how the grounds were asserted in pre-trial proceedings or at trial.”

In requiring the motion to state the specific grounds therefor, motions which set forth mere “boilerplate” lan-

guage are specifically disapproved. A post-trial motion must set forth the theories in support thereof “so that the lower court will know what it is being asked to decide.” *Frank v. Peckich*, 257 Pa.Super. 561, 391 A.2d 624, 632-633 (1978).

The requirement that the motion state how the grounds were raised at trial indicates compliance with the requirements of *Dilliplaine, supra*, and subdivision (b)(1) that there be a timely objection in pre-trial proceedings or at the trial.

Under subdivision (c), the time for filing the post-trial motion remains unchanged at ten days. However, the rule also provides an instance in which the time for filing a post-trial motion may be extended beyond the initial ten day period. There are occasions when a party is displeased with the result of a trial but refrains from filing a post-trial motion unless a post-trial motion is filed by an opposing party. This strategy necessitates a close watch over the dockets, since the party will be foreclosed from filing a motion if the opposing party files its motion on the tenth day. To facilitate practice in this area, subdivision (c) provides that where a post-trial motion has been timely filed by one party, any other party has ten days following the filing of the first post-trial motion in which to file its own motion. As with the other provisions of Rule 227.1, this concept applies to jury, nonjury and equity trials.

Subdivision (d) continues the practice of permitting a party to request post-trial relief in the alternative. When a party elects to so proceed, separate reasons should be set forth in support of each type of relief requested. Again, the document should make the trial judge aware of each request for relief and the grounds in support thereof.

Subdivision (e) provides a rule of judicial economy when both a new trial and judgment are sought in an action. Subdivision (e) provides that the court shall dispose of both requests. Thereafter, if the action is appealed, the appellate court may make a final disposition of the matter. This provision avoids the procedural situation where a trial court grants judgment but fails to rule on the request for a new trial. The action is thereafter appealed and the appellate court must then remand for disposition of the request for new trial. Under subdivision (e), the appellate court would be able to remand the matter directly for a new trial or affirm the ruling of the lower court.

New subdivision (f) provides for the prompt service of copies of the post-trial motion upon every other party to the action and the delivery of a copy to the trial judge.

#### EXPLANATORY COMMENT—1985

The amendment of Rule 227.1(c)(2) to provide for the filing of a motion for post-trial relief within ten days after nonsuit in a non-jury or an equity trial clarifies, but does not change, existing practice. Although subdivision (c)(2) did not refer to the filing of a motion for post-trial relief after a nonsuit in those instances, subdivision (a)(3) clearly provides for the court upon a written motion to remove a nonsuit without reference to the nature of the trial. The addition of the reference to a nonsuit in subdivision (c)(2) removes any ambiguity that might arise with respect to the time in which a motion for post-trial relief must be filed following a nonsuit in a non-jury or equity trial.

**EXPLANATORY COMMENT—1989**

The Supreme Court of Pennsylvania has promulgated an amendment to Rule of Civil Procedure 227.1 governing post-trial relief clarifying practice under the rule in two respects. First, notes have been added to subdivisions (a) and (c) explaining the scope of the motion for post-trial relief and the range of actions and proceedings to which the motion applies. The text of these subdivisions is not changed so that practice and procedure under them remain unaffected.

Second, new subdivision (g) is added to the rule specifying the procedure in appeals from final determinations of certain government agencies. The Commonwealth Court has stated that there are no post-trial proceedings in “statutory appeal” proceedings unless mandated by local rule. This practice has caused confusion in several respects. In many cases, post-trial motions have been filed unnecessarily and have resulted in the loss of the right to appeal. In other cases, attorneys have filed motions for post-trial relief and appeals simultaneously because they were unable to discern the proper procedure.

New subdivision (g) prohibits post-trial proceedings in a statutory appeal. The decision of the court in all such cases will be a final, appealable order.

**EXPLANATORY COMMENT—1995**

Amendments to the Rules of Civil Procedure relating to post-trial practice have been promulgated, allowing parties to minimize post-trial delay and clarifying the procedure with regard to proceedings in eminent domain and the actions of mandamus and partition of real property.

**I. Entry of Judgment upon Praecipe****a. Post-Trial Delay**

Prior to the present amendment, parties to an action had no recourse when a motion for post-trial relief remained pending and undecided. The amendment to Rule 227.4 permits any party to an action to file a praecipe for judgment when a timely motion has been filed and remains undecided for more than one hundred twenty days after filing.

The rule is optional with the parties. If settlement negotiations are continuing, they may have little interest in a prompt appeal. If time is not of the essence, they may await the decision of the trial court. However, the rule provides the parties with the ability to “move the case along.”

If a motion remains undecided and a praecipe for judgment is entered at the earliest permissible time, the maximum post-trial delay is one hundred thirty days, i.e., ten days in which to file the motion and one hundred twenty days in which to decide it. The potential delay inherent in Rule of Appellate Procedure 1701(b)(3) providing for reconsideration of an order is avoided by prohibiting reconsideration of the judgment. The judgment entered is effective as to all parties and all issues so that the case in its entirety is ready for the appellate process.

The rule does not provide an automatic limit upon the time in which the court may make its ruling. However, it does provide a time standard by which the parties and the court may proceed.

There is a rule which may operate to prevent the entry of judgment upon the expiration of the one hundred twenty day period. Rule 238(c)(3)(i) provides that if “a

motion for post-trial relief has been filed under Rule 227.1 and a motion for delay damages is opposed, a judgment may not be entered until all motions filed under Rule 227.1 and this rule [Rule 238] have been decided.” A note has been added to call attention to the rule.

**b. Waiver of Post-Trial Practice**

A second amendment to Rule 227.4 has deleted the provision for entry of judgment upon filing a “waiver in writing of the right to file post-trial motions signed by all parties”. Present Pennsylvania policy is to require the parties to give the trial court the opportunity to correct error through post-trial practice. It follows that post-trial practice should not be subject to waiver.

**II. Eminent Domain**

Case law had developed an inconsistent practice with respect to the filing of a post-trial motion following trial upon an appeal from the decision of viewers in eminent domain proceedings. Post-trial practice was required following a trial by jury but not after a trial by a judge without a jury. New subdivision (h) has been added to Rule 227.1 eliminating this distinction and requiring post-trial practice whether the trial be by jury or by judge.

**EXPLANATORY COMMENT—1996**

The note to Rule 227.1(c) has been amended by deleting the second paragraph referring to a case stated. This amendment was required by the abolition of the case stated by Rule 1038.2.

The amendment is technical in nature and does not affect practice or procedure.

**EXPLANATORY COMMENT—2004**

Prior to the present amendment, Rule of Civil Procedure 227.1(b) was inconsistent with Pennsylvania Rule of Evidence 103(a). Civil Rule 227.1(b) required without exception that grounds for post-trial relief be raised in pre-trial proceedings or at trial. Evidence Rule 103(a), however, did not require that the specific ground for an erroneous evidentiary ruling be raised prior to or at trial if the ground was apparent from the context. The present amendment to Civil Rule 227.1 carves out an exception for matters within the scope of Evidence Rule 103(a), thereby eliminating the inconsistency between the two rules.

**EXPLANATORY COMMENT—2015**

In *Newman Development Group of Pottstown, LLC v. Genuardi's Family Markets, Inc. and Safeway, Inc.*, 52 A.3d 1233 (Pa. 2012), the Supreme Court of Pennsylvania examined the provisions of Rule 227.1 to determine whether a party must file a motion for post-trial relief following the resolution by the trial court of matters remanded by an appellate court. While it concluded in that case that a motion for post-trial relief was not required because the remand proceeding, which relied on an existing record, was not a trial, even though the trial court drew a different conclusion from that record to comport with the appellate court's directive, the Court held that Rule 227.1 is silent as to any procedure for post-trial relief when a matter has been remanded for further consideration by the trial court. *Id.* at 1251.

To close this gap, the Supreme Court has amended Rule 227.1 by adding new subdivision (i). Specifically addressing the remand context, the amendment would not require the filing of a motion for post-trial relief following



the resolution of matters remanded by an appellate court except under the following circumstances: (1) the appellate court has specified that the remand is for a complete or partial new trial, or (2) the trial court states in its order resolving the issue remanded that a motion for post-trial relief is required in order to preserve those issues for appellate review.

The amendment is intended to give the practitioner certainty as to when a motion for post-trial relief is required in the remand context, and thus, to prevent waiver of those issues upon further appellate review. It is also intended to facilitate the underlying purpose of the rule, which is to allow the trial court to reconsider its determination and to make any corrections before it is appealed without inundating it with unnecessary motions.

(Editor’s Note: Rule 234.6 as printed in 231 Pa. Code reads “Official Note” rather than “Note.”)

**Rule 234.6. Form of Subpoena.**

A subpoena issued pursuant to Rule 234.1 shall be substantially in the following form:

Commonwealth of Pennsylvania  
County of \_\_\_\_\_

(Caption)

**SUBPOENA TO ATTEND AND TESTIFY**

\* \* \* \* \*

**Note:** This form of subpoena shall be used whenever a subpoena is issuable under Rule 234.1, including hearings in connection with depositions and before arbitrators, [ **masters** ] **hearing officers**, commissioners, etc.

To require the production of documents or things in addition to testimony, complete paragraph 2.

\* \* \* \* \*

**CHAPTER 1500. EQUITABLE RELIEF**

**Subchapter B. PARTITION OF REAL PROPERTY**

Rule 1558. Preliminary Conference. Appointment of [ **Master** ] **Hearing Officer**.

(a) The court, after the entry of the order directing partition, shall direct the parties or their attorneys to appear for a preliminary conference to consider

- (1) whether the parties can agree upon a plan of partition or sale;
- (2) the simplification of the issues;
- (3) whether any issues or matters relating to the carrying out of the order of partition shall be referred to a [ **master** ] **hearing officer**; and
- (4) such other matters as may aid in the disposition of the action.

(b) The court, at any time after the preliminary conference, may appoint a [ **master** ] **hearing officer** to hear the entire matter or to conduct any sale, or to act upon only specified issues or matters relating to the carrying out of the order of partition.

\* \* \* \* \*

Rule 1559. [ **Master** ] **Hearing Officer**. Hearing.

A [ **master** ] **hearing officer** who is appointed by the court shall make such examinations and hold such hearings as may be necessary, giving reasonable notice thereof. The [ **master** ] **hearing officer** may employ

appraisers and, with the authorization of the court, such other experts as are necessary to enable the [ **master** ] **hearing officer** to perform [ **his or her** ] **the** duties of **the appointment**.

**Rule 1565. Retention of Undivided Interests. Election. Parties Not Appearing.**

(a) The court shall permit the shares of any two or more co-tenants to remain undivided between them if they so elect by writing filed within such time as the court or [ **master** ] **hearing officer** shall direct.

(b) The court may permit the shares of any two or more co-tenants who do not appear in the action to remain undivided between them.

\* \* \* \* \*

Rule 1569. [ **Master’s** ] **Hearing Officer’s** Report. Exceptions.

(a) A [ **master** ] **hearing officer** who is appointed by the court shall file a report with respect to the matters submitted. The report shall follow the form of decision in Rule 1570, insofar as the scope of the reference to the [ **master** ] **hearing officer** permits.

(b) The [ **master** ] **hearing officer** shall give all persons in interest written notice of the date on which [ **he or she** ] **the hearing officer** intends to file the report and proposed order and shall specify an address within the county where they may be examined. The [ **master** ] **hearing officer** may change the report and proposed order as [ **he or she** ] **the hearing officer** deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) Within ten days after notice of the filing of the report, exceptions may be filed by any party to rulings on evidence, to findings of fact, to conclusions of law, and to the proposed order. The court may, with or without taking testimony, remand the report, or enter a decision in accordance with Rule 1570 which may incorporate by reference the findings and conclusions of the [ **master** ] **hearing officer** in whole or in part.

**Rule 1571. Trustees to Satisfy Liens and Charges.**

(a) The court, upon motion of any party or person in interest, or upon recommendation of the [ **master** ] **hearing officer**, may appoint a trustee to receive payment of:

- (1) \* \* \* \* \*
- (2) \* \* \* \* \*
- (3) \* \* \* \* \*
- (b) \* \* \* \* \*

\* \* \* \* \*

**Rule 1572. Sale Not Confined to Parties.**

- (a) \* \* \* \* \*
- (b) \* \* \* \* \*
- (c) \* \* \* \* \*

(d) If the court directs a [ **master** ] **hearing officer** to conduct the sale, the [ **master** ] **hearing officer**, before accepting payment for the property, shall file a bond in double the amount of the payment or in such lesser amount as shall be fixed by the court.

**Rule 1573. Return of Sale and Schedule of Distribution.**

(a) Where the sale has been conducted by a [ **master** ] **hearing officer**, the [ **master** ] **hearing officer** shall promptly file with the prothonotary a return of sale together with a proposed order which shall

- (1) confirm the sale;
- (2) authorize the [ **master** ] **hearing officer** to execute and deliver to the purchaser all necessary deeds and other instruments of title;
- (3) contain appropriate provisions for the protection of life tenants, unborn and unascertained remaindermen, persons whose whereabouts are unknown, or other persons in interest, and for the release or discharge of such interests;
- (4) direct distribution of the proceeds to the persons or parties entitled; and
- (5) provide for the payment of costs.

(b) The [ **master** ] **hearing officer** shall give all persons in interest written notice of the date on which [ **he or she** ] **the hearing officer** intends to file the return of sale and proposed order, and shall specify an address within the county where they may be examined. The [ **master** ] **hearing officer** may change the return of sale and proposed order as [ **he or she** ] **the hearing officer** deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) \* \* \* \* \*

**Rule 1574. Costs and Counsel Fees.**

Costs shall be paid by the parties in proportion to their interests in the property. The compensation of appraisers, the [ **master's** ] **hearing officer's** fee, and compensation of experts authorized by the court shall be taxed as part of the costs. Reasonable counsel fees may be charged against the property or fund resulting therefrom, and apportioned among the parties and their counsel in such amount and manner as the court shall deem equitable.

\* \* \* \* \*

**CIVIL PROCEDURAL RULES COMMITTEE**

**ADOPTION REPORT**

**Amendment of Pa.R.Civ.P. 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574**

On August 8, 2023, the Supreme Court of Pennsylvania adopted amendments of Pennsylvania Rules of Civil Procedure 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Pursuant to multiple requests, the Committee undertook rulemaking to amend the Rules of Civil Procedure to replace the terms “master” and “special master” with “hearing officer.” The purpose of the amendments was two-fold. First, while the term “master” has traditionally identified a quasi-judicial officer and is considered neutral in legal proceedings, a pejorative connotation had been ascribed to the term in modern parlance outside of court.

Second, the term had been either already replaced or proposed to be replaced in other bodies of rules. See 47 Pa.B. 2313 (April, 22, 2017) (amendments to the Rules of Juvenile Court Procedure) and 51 Pa.B. 1006 (February 27, 2021) (proposed amendments to the Rules of Civil Procedure Governing Domestic Relations proceedings). In addition, the Committee had observed that a number of judicial districts have also changed this terminology in their local rules. Stylistic revisions to the rules were also made.

The Committee published the proposal for comment. See 51 Pa.B. 4262 (August 7, 2021). It received no comments to publication and no further substantive changes to the proposal were made.

The amendments become effective on October 1, 2023.

[Pa.B. Doc. No. 23-1112. Filed for public inspection August 18, 2023, 9:00 a.m.]

**Title 231—RULES OF CIVIL PROCEDURE**

**PART II. ORPHANS’ COURT RULES**

**[ 231 PA. CODE PART II ]**

**Proposed Amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7, 15.8, 15.9, 15.10, and 15.13**

The Orphans’ Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7—15.10, and 15.13 to establish procedures relating to the Indian Child Welfare Act and Bureau of Indian Affairs regulations, 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:

Pamela S. Walker, Counsel  
 Orphans’ Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9546  
 orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by October 27, 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 Orphans' Court  
Procedural Rules Committee*

JULIAN E. GRAY, Esq.,  
*Chair*

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE  
PART II. ORPHANS' COURT RULES  
CHAPTER XV. ADOPTIONS**

**Rule 15.2. Definitions.**

In addition to the terms and definitions provided in Rule 1.3, the following words and phrases when used in Chapter XV shall have the following meaning:

\* \* \* \* \*

*"Department"*—the Department of Human Services of the Commonwealth;

*"Indian child"*—any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;

*"Intermediary"*—any person or agency arranging an adoption placement as defined in 23 Pa.C.S. § 2102;

\* \* \* \* \*

**[ Explanatory ] Comment:**

In Philadelphia County, jurisdiction over adoptions, terminations of parental rights, birth records, and related proceedings is exercised through the Family Court Division of the Philadelphia Court of Common Pleas. 20 Pa.C.S. § 713. In all other counties, family court judges who have adjudicated a child dependent, conducted permanency hearings, or conducted other dependency proceedings may be assigned to the Orphans' Court Division for purposes of hearing petitions to terminate parental rights or petitions to adopt a dependent child. 42 Pa.C.S. § 6351(i).

**The definition for "Indian child" originates from the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2.**

**Rule 15.3. Prerequisites for any Petition to Terminate Parental Rights or Petition to Adopt.**

(a) *Separate Petitions for Each Child and Any Adoptee.* Separate petitions **[ must ] shall** be filed for each child or adult adoptee who is the subject of a proceeding under Rule 15.7 (Voluntary Relinquishment to Agency), Rule 15.8 (Voluntary Relinquishment to Adult Intending to Adopt Child), Rule 15.9 (Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption), Rule 15.10 (Involuntary Termination of Parental Rights), Rule 15.12 (Court Review and Approval of Contact Agreement), Rule 15.13 (Adoption), Rule 15.14 (Registration of Foreign Adoption Decree), Rule 15.15 (Petition for Adoption of a Foreign Born Child), Rule 15.17 (Petition to Modify a Contact Agreement), Rule 15.18 (Petition to Enforce a Contact Agreement), and Rule 15.19 (Petition to Discontinue a Contact Agreement).

(b) *Filing of Original Birth Certificate.* Unless previously filed, the child's original birth certificate or certification of registration of birth shall be filed when the petition to terminate parental rights is filed, and the

clerk shall make the original birth certificate or certification of registration of birth part of the court file pertaining to that child.

**(c) Indian Child Welfare Act.**

**(1) Inquiry.**

**(i) At the commencement of the initial proceeding to terminate parental rights or to adopt, the court shall inquire as to the efforts made by the agency and the intermediary, if there is one, to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. All responses shall be placed on the record.**

**(ii) The court shall advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child.**

**(2) Finding of Court. The court shall make a finding as to whether there is reason to know the child is an Indian child.**

**(3) Additional Requirements.**

**(i) In the event the court has reason to know the child is an Indian child, but lacks sufficient evidence to make such a finding, the court shall confirm due diligence has been used to make such determination, and the court shall treat the child as an Indian child until it can determine, from the record, that the child does not meet the definition of an Indian child.**

**(ii) If the court has sufficient evidence to conclude the child is an Indian child, then the notification and rights under the Indian Child Welfare Act shall apply.**

**[ Explanatory ] Comment:**

For the following reasons, a separate petition must be filed for each child and any adult adoptee who is the subject of any one of the enumerated proceedings: (i) privacy concerns; (ii) better and more accurate data collection, especially if siblings do not share the same birth parents; and (iii) facilitating appellate proceedings if an appeal from an order terminating parental rights is taken as to only one of the involved children. The court in its discretion may consolidate separate petitions for any hearing.

A county agency unduly burdened by the costs of filing separate petitions for a group of siblings may petition the court for relief from such filing costs. It is anticipated that such petitions for relief would be made only when the costs are burdensome.

**The Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107, require the court at the commencement of the initial proceeding to determine if any participant has reason to know whether the child is an Indian child.**

**For the definition of "Indian child," see Pa.R.O.C.P. 15.2. The regulations place the burden on the court to ask every participant if there is any reason to know whether the child is an Indian child**



**and to inform each participant of their ongoing obligation to inform the court if they subsequently learn of any reason to believe the child is an Indian child. Nothing in this rule is intended to prohibit the court from continuing to inquire at every subsequent proceeding. For determination of a reason to know whether a child is an Indian child, see 25 C.F.R. § 23.107. When a court knows or has reason to know that a child is an Indian child, see 25 C.F.R. § 23.111 for notice requirements. See also 25 C.F.R. § 23.11.**

**For additional requirements concerning the non-emergent placement of an Indian child, see 25 C.F.R. §§ 23.121-122. For the transfer of proceedings to the Indian child's tribe, see 25 C.F.R. §§ 23.115-119. For requirements concerning voluntary proceedings for the placement of an Indian child, see 25 C.F.R. §§ 23.124-127. For the placement preferences of an Indian child, see 25 C.F.R. §§ 23.131-132.**

#### **Rule 15.7. Voluntary Relinquishment to Agency.**

(a) *Petition.* A petition under 23 Pa.C.S. § 2501 to relinquish parental rights and duties with respect to a child who has been in the care of an agency shall contain the following averments:

(1) the name, address, age, and racial background of each petitioner;

(2) the information required in [ **subparagraph (1) subdivision (a)(1)** ] as to any parent who is not a petitioner, including the birth father, presumptive father and putative father, or the reasons why the court should find such information is not necessary;

(3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, and gender of the child;

(5) **whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

(6) the name and address of the agency having care of the child;

[ (6) ] (7) the date when the child was placed with the agency;

[ (7) ] (8) the reasons for seeking relinquishment;

[ (8) ] (9) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

[ (9) ] (10) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

[ (10) ] (11) whether each petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified;

[ (11) ] (12) whether the agency's consent to accept custody of the child until such time as the child is adopted is attached to the petition; and

[ (12) ] (13) that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) Documentation signed by each petitioner as required by 23 Pa.C.S. § 2501(a).

(2) A verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the petitioner birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(3) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given, or the reasons why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a putative father are to be terminated as part of the same proceeding, and shall be served in accordance with Rule 15.4(b)(1).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.4(b)(1).

(3) The petitioner birth parent voluntarily relinquishing his or her parental rights shall be present at the hearing and available to be examined under oath.

(4) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a

birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given or the reasons why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**(5) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.**

[ Explanatory ] Comment:

[ Section 2733(c) of the Adoption Act requires the ] **The** agency, the intermediary or an attorney for a party [ to ] **shall** provide notice of the opportunity to enter into a Contact Agreement to the Prospective Adoptive Parents, a birth parent, and, in some instances, a child. **See 23 Pa.C.S. § 2733(c).** Notice to a birth relative who is not a birth parent is not statutorily required, although birth relatives may enter into and become parties to a Contact Agreement.

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [ **See Rule 15.3(b).** ] **See Pa.R.O.C.P. 15.3(b) (pertaining to prerequisites for any petition to terminate parental rights or to adopt).**

**The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).**

**Rule 15.8. Voluntary Relinquishment to Adult Intending to Adopt Child.**

(a) *Petition.* A petition under 23 Pa.C.S. § 2502 to relinquish parental rights with respect to a child who has been in the exclusive care of Prospective Adoptive Parents shall contain the following averments:

(1) the name, address, age, and racial background of each petitioner;

(2) the information required in [ subparagraph (1) ] **subdivision (a)(1)** as to any parent who is not a petitioner, including the birth father, presumptive father, and putative father, or the reasons why the court should find such information is not necessary;

(3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, and gender of the child;

**(5) whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

**(6)** the date when the child was placed with the Prospective Adoptive Parents;

[ **(6)** ] **(7)** the date when the Report of Intention to Adopt was filed;

[ **(7)** ] **(8)** the reasons for seeking relinquishment;

[ **(8)** ] **(9)** whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

[ **(9)** ] **(10)** whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

[ **(10)** ] **(11)** whether each petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents;

[ **(11)** ] **(12)** whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed;

[ **(12)** ] **(13)** whether the Prospective Adoptive Parents' consent to accept custody of the child until such time as the child is adopted is attached to the petition; and

[ **(13)** ] **(14)** that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the petitioner birth parent regarding the opportunity to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(2) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(3) The signed consents of the Prospective Adoptive Parents to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a

putative father are to be terminated as part of the same proceeding, and shall be served in accordance with Rule 15.4(b)(1).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.4(b)(1).

(3) The petitioner birth parent voluntarily relinquishing his or her parental rights shall be present at the hearing and available to be examined under oath.

(4) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**(5) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.**

[ Explanatory ] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [ See Rule 15.3(b). ] **See Pa.R.O.C.P. 15.3(b) (pertaining to prerequisites for any petition to terminate parental rights or to adopt).**

**The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).**

For additional information about notice of the opportunity to enter into a Contact Agreement, [ see the Explanatory Comment to Rule 15.7 ] see Pa.R.O.C.P. 15.7, cmt.

#### **Rule 15.9. Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption.**

(a) *Petition.* A petition under 23 Pa.C.S. § 2504 to confirm the consent to adoption given by a birth parent, presumptive father, or putative father relinquishing parental rights and agreeing to have the child placed for adoption shall contain the following averments:

(1) the name, address, age, and racial background of the consentor;

(2) the information required in [ subparagraph (1) ] **subdivision (a)(1)** as to any parent who has not signed a consent to adoption, including the birth father, presumptive father, and putative father, or the reasons why the court should find such information is not necessary;

(3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, and gender of the child;

(5) **whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

(6) the date when the consent to adoption was executed by the consentor and that the consent was executed in accordance with 23 Pa.C.S. §§ 2711 and 2712;

[ (6) ] (7) the number of days that have elapsed since the consent to adoption was executed by the consentor;

[ (7) ] (8) whether the petitioner, counsel for the petitioner, or the agency or intermediary in those cases where the agency or intermediary is not the petitioner, has received any writing from the consentor revoking or attempting to revoke the previously executed consent to adoption;

[ (8) ] (9) whether the consentor was informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

[ (9) ] (10) whether the consentor received counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

[ (10) ] (11) whether the consentor has been informed of the opportunity for a birth relative of the child, including the consentor, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified; and

[ (11) ] (12) whether a consent by the Prospective Adoptive Parents or by the agency to accept custody of the child until such time as the child is adopted is attached to the petition, and if custody is to an individual, whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) The original consent(s) to adoption.

(2) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the consentor regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.



(3) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) on which such notice was given, or the reasons why such notice cannot be given, including efforts made to identify or locate the subject person. If a notice was given, a copy of the notice shall accompany this verified statement.

(4) The signed consents of the Prospective Adoptive Parents or agency to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be in the form specified in 23 Pa.C.S. § 2513(b) and shall be provided and served in accordance with 23 Pa.C.S. § 2504(b) and Rule 15.4(b)(2).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was provided in the form specified in 23 Pa.C.S. § 2513(b) and given to the consenter and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2504(b) and Rule 15.4(b)(2).

(3) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**(4) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.**

[ Explanatory ] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [ See Rule 15.3(b). ] See Pa.R.O.C.P. 15.3(b).

**The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).**

For additional information about notice of the opportunity to enter into a Contact Agreement, [ see the Explanatory Comment to Rule 15.7 ] see Pa.R.O.C.P. 15.7, cmt.

**Rule 15.10. Involuntary Termination of Parental Rights.**

(a) *Petition.* A petition for involuntary termination of parental rights under 23 Pa.C.S. §§ 2511-2512 shall contain the following averments:

- (1) the name and address of the petitioner(s);
- (2) the basis for the standing asserted by the petitioner(s);
- (3) the name, age, date of birth, place of birth, racial background, and gender of the child;
- (4) **whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

(5) the name, address, age, and racial background of the birth parents, including the birth father, presumptive father, and putative father;

[ (5) ] (6) if a birth father, presumptive father or putative father is not identified in **the above** subparagraph, whether a claim for paternity has been filed under 23 Pa.C.S. § 5103 (relating to claim of paternity);

[ (6) ] (7) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

[ (7) ] (8) the date when the child was placed in the care of the petitioner;

[ (8) ] (9) the date when the child was removed from the parent who is the subject of the petition, if different than the date of placement with the petitioner;

[ (9) ] (10) specific facts setting forth why the child was voluntarily placed in the custody of an entity or individual or involuntarily removed from the parent who is the subject of the petition;

[ (10) ] (11) a reference to the applicable subsection(s) of 23 Pa.C.S. § 2511(a) providing the ground(s) for termination and specific facts to support terminating the parental rights of the subject birth parent pursuant to the subsection(s) referenced;

[ (11) ] (12) whether either parent of the child is entitled to benefits under the Servicemembers Civil Relief Act of 1940, as amended (50 U.S.C. §§ 3901 *et seq.*);

[ (12) ] (13) one of the following:

[ (A) ] (i) that the parent who is the subject of the petition has been provided with written notice regarding the opportunity for a birth relative of the child, including the subject birth parent, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified;

[ (B) ] (ii) that such written notice will be given to the subject birth parent prior to the hearing by the agency, intermediary or counsel representing a party; or

[ (C) ] (iii) the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person.

[ (13) ] (14) whether a consent by the Prospective Adoptive Parents, or by the agency to accept custody of the child until such time as the child is adopted is attached to the petition, and if custody is to an individual, whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed or the reason why such consent or filing is not required by law; and

[ (14) ] (15) that each petitioner understands the petition and believes its filing to best serve the developmental, physical and emotional needs, and welfare of the child.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by such other means as provided in Rule 15.4(b)(3)(A)(iii), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(2) Except as otherwise provided by law, the signed consent of the petitioner, the Prospective Adoptive Parents, or the agency to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided and served in accordance with 23 Pa.C.S. § 2513(b) and Rule 15.4(b)(3).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.4(b)(3).

(3) If notice of the opportunity to enter into a Contact Agreement was not provided to the subject birth parent prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by such other means as provided in Rule 15.4(b)(3)(A)(iii), and the date(s) that such notice was given or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**(4) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.**

(d) *Appointment of Counsel.*

(1) *Child.* In accordance with 23 Pa.C.S. § 2313(a), the court shall appoint counsel to represent the child in an involuntary termination proceeding when the proceeding is contested by one or both parents. If the court determines that the child requires counsel to represent both the best interests and legal interests of the child, the court shall determine on the record whether counsel can represent both interests without conflict before appointing an individual to serve as both guardian *ad litem* and counsel for the child.

(2) *Parent.* In accordance with 23 Pa.C.S. § 2313(a.1), the court shall appoint counsel for a parent whose rights are subject to termination in an involuntary termination proceeding if, upon petition of the parent, the court determines that the parent is unable to pay for counsel or that payment would result in a substantial financial hardship.

[ **Explanatory** ] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [ **See Rule 15.3(b).** ] **See Pa.R.O.C.P. 15.3(b).**

**The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).**

If the petitioner is an agency, Prospective Adoptive Parents need not have been identified prior to the agency's filing of a petition to involuntarily terminate parental rights. Also, an averment of a present intent to adopt the child is not required if the petitioner is an agency. Where petitioner is an individual, [ **see Rule 15.6.** ] **see Pa.R.O.C.P. 15.6.** Neither the averments nor evidence set forth in subdivisions (a)(13) and (b)(2) are required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7) (relating to a child conceived as a result of a rape or incest.) *See* 23 Pa.C.S. § 2514.

[ **Section 2733(c) of the Adoption Act requires the** ] **The** agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party [ **to** ] **shall** provide notice to the Prospective Adoptive Parents, birth parents, and, in some instances, a child of the opportunity to enter into a Contact Agreement. The statute does not require notice to birth relatives who are not the birth parents, although birth relatives may enter into and become parties to a Contact Agreement.

It is understood that County Agencies may be encouraged early in the process, even during dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to

when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

**Rule 15.13. Adoption.**

(a) *Petition.* A petition for adoption under 23 Pa.C.S. § 2701 shall contain the following averments:

(1) the name, current address, any other addresses for the past five years, marital status, age, occupation, racial background, and religious affiliation of the petitioners;

(2) the name of the adoptee as it appears on the birth certificate or certification of registration of the child's birth;

(3) the relationship, if any, of the petitioners to the adoptee;

(4) whether the adoptee has resided with the petitioners, and if so, the length of time that adoptee has so resided with the petitioners;

(5) the name and address of the intermediary,

(6) whether the home study and preplacement report under 23 Pa.C.S. § 2530, the Report of an Intention to Adopt under 23 Pa.C.S. § 2531, and the Report of Intermediary under 23 Pa.C.S. § 2533 have been filed;

(7) if there is no intermediary, if no Report of the Intermediary has been or will be filed, or if the adoptee has attained 18 years of age, all vital statistics and other information required in the Report of the Intermediary, so far as is applicable;

(8) whether the original birth certificate or certification of registration of the child's birth has been filed with the clerk where the adoption petition is being filed, and if not whether a birth certificate or certification of registration of the child's birth is attached to the petition as an exhibit, and if not previously filed or attached, the reason why it is has not been filed or is not attached, the efforts made to obtain the birth certificate or certification of registration of birth, and evidence available to establish a date and place of the adoptee's birth;

(9) whether all the consents required by 23 Pa.C.S. § 2711 are attached to the petition as exhibits;

(10) whether the criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with 23 Pa.C.S. § 6344(b) are attached to the petition as exhibits;

(11) whether there are any court orders that remain in effect as of the date of the petition's filing and which:

[ (A) ] (i) terminate parental rights of any birth parent, presumptive father, or putative father of the adoptee;

[ (B) ] (ii) establish rights of guardianship or custody of the adoptee in any person or entity other than the birth parent; or

[ (C) ] (iii) establish or set forth any special conditions concerning placement, custody, guardianship, or adoption of the adoptee;

(12) whether there has been compliance with the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 *et seq.* applies to this placement;

**(13) whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

**(14) if any of the reports or exhibits listed in [ subparagraphs (a)(6)—(a)(12) ] subdivisions (a)(6)—**

**(a)(12)** have not been filed or are not attached to the petition, specific averments explaining why such reports have not been filed or exhibits have not been attached and the reasons showing cause why the court may enter a decree of adoption under 23 Pa.C.S. § 2901, notwithstanding the absence of all legal requirements having been met;

[ (14) ] (15) whether the Prospective Adoptive Parents and the minor adoptee, if required by 23 Pa.C.S. § 2733(c), have been informed of the opportunity to enter into a Contact Agreement with any of the minor adoptee's birth relatives;

[ (15) ] (16) if an agreement for post-adoption contact and communication has been negotiated and executed by the Prospective Adoptive Parents and one of more birth relatives, an averment of one of the following, as applicable:

[ (A) ] (i) the date of the order and the name of the court approving the Contact Agreement and that the Contact Agreement and court order are attached as exhibits to the petition; or

[ (B) ] (ii) a petition to approve the executed proposed agreement for post-adoption contact and communication has been submitted and is pending before the court or is being filed under a separate petition simultaneously with the filing of this petition;

[ (16) ] (17) whether the adoptee will retain his or her given birth name or the adoptee's proposed new name if a name change is desired;

[ (17) ] (18) that the petitioners desire to have "a parent-child" relationship established between the petitioners and the adoptee; and

[ (18) ] (19) that each petitioner has read and understands the petition and believes the adoptee's needs and welfare will be promoted by the adoption.

(b) *Exhibits.* Unless the petition contains averments explaining why an exhibit is not attached, the following exhibits shall be attached to the petition:

(1) Unless previously filed with the clerk where the adoption petition is being filed, a birth certificate or certification of registration of the child's birth.

(2) The consents required by 23 Pa.C.S. § 2711, as applicable.

(3) Unless previously filed, the Report of the Intermediary with the exhibits required under 23 Pa.C.S. § 2534.

(4) The criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with 23 Pa.C.S. § 6344(b).

(5) Copies of any court orders referenced in [ **subparagraph (a)(11) ] subdivision (a)(11).**

(6) Written approval by the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 *et seq.* applies to this placement.

(7) A verified statement from a representative of the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party that written notice was provided to the Prospective Adoptive Parents and to the minor adoptee, if required by 23 Pa.C.S. § 2733(c), regarding the opportunity to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic



transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was provided. A copy of the notice shall accompany this verified statement.

(8) If previously approved, the Contact Agreement and the court order approving the Contact Agreement.

(c) *Notice or Consent—Parents of Child.*

(1) Notice of the hearing on the petition for adoption shall be given to the birth parent, putative father, and presumptive father in accordance with Rule 15.4 unless the parental rights of such birth parent, putative father, or presumptive father were terminated in a prior proceeding.

(2) If, as part of the adoption hearing, the petitioners are seeking court approval of an executed proposed agreement for post-adoption contact and communication, the petitioner shall mail a copy of the petition to approve the proposed agreement and the accompanying exhibits in accordance with [ **subparagraph (d)(1) of Rule 15.12** ] **Rule 15.12(d)(1)** to the individuals and entities therein listed, shall file a certificate of service as provided in [ **subparagraph (d)(2) of Rule 15.12** ] **Rule 15.12(d)(2)**, and shall provide notice of the adoption hearing to these individuals and entities as provided in [ **subparagraph (f)(3) of Rule 15.12** ] **Rule 15.12(f)(3)**.

(d) *Investigation.* A petition for adoption shall be subject to investigation as prescribed by local rules. The investigation report shall cover the matters alleged in the petition, any other matters that may affect the welfare of the adoptee, and the information required by 23 Pa.C.S. §§ 2535 and 2724.

(e) *Hearing.* The court shall schedule a hearing to allow for testimony pursuant to 23 Pa.C.S. §§ 2721—2724. Petitioner(s) and the adoptee shall appear at the hearing. **At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.** After a hearing, if the court determines that the adoption can be granted, the court shall enter a decree conforming to the requirements of 23 Pa.C.S. §§ 2901-2902, 2904.

(1) If the petition for adoption contains averments requesting that the court waive a statutory requirement of the Adoption Act, the court shall determine if the petitioner has shown cause for failing to meet the statutory requirement and has demonstrated that the adoptee's needs and welfare nevertheless will be best served by entering a decree of adoption.

(2) At the hearing on the petition for adoption, there shall be offered in evidence a report, verified by the petitioners or counsel, setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an intermediary or to any other person or entity, in connection with the adoption. The court may request an itemization of any of the amounts reported.

(f) *Adult—Change of Name.* When the person to be adopted is over the age of 18 years and desires to assume the surname of the adopting parents, evidence showing compliance with the law relating to change of name [ **must** ] **shall** be introduced before a decree will be made. See 54 Pa.C.S. § 702.

[ **Explanatory** ] Comment:

The court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. § 2901. As a result, if petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the adoption petition should not be dismissed summarily. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed adoptee's best interests nevertheless are served by granting the adoption petition. *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002). If, upon reviewing the petitioner's averments as to why a statutory requirement should be waived, the court determines that cause has been demonstrated, the court can grant the relief requested and dispense with the relevant statutory requirement without conducting a hearing. However, if the court is not inclined to waive the pertinent statutory requirement, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. See *In re Adoption of R.B.F. and R.C.F.*

[ **Subparagraph (c)(1) of this Rule** ] **Subdivision (c)(1)** applies if a parent's parental rights are being terminated as part of the hearing on the adoption petition. In such cases, the birth parent, putative father, or presumptive father whose rights are being terminated must receive notice of the adoption hearing in accordance with Rule 15.4. On the other hand, such persons do not need to be notified of the adoption hearing if (i) he or she previously consented to the adoption and his or her consent was confirmed by the court as provided in 23 Pa.C.S. § 2504 and Rule 15.9; (ii) he or she previously relinquished his or her parental rights as provided in 23 Pa.C.S. §§ 2501, 2502 and Rule 15.7 or Rule 15.8 as applicable; or (iii) his or her parental rights were involuntarily terminated by the court as provided in 23 Pa.C.S. §§ 2511 *et seq.* and Rule 15.10.

**The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).**

**SUPREME COURT OF PENNSYLVANIA  
ORPHANS' COURT PROCEDURAL RULES  
COMMITTEE**

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7,  
15.8, 15.9, 15.10, and 15.13**

The Orphans' Court Procedural Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7—15.10, and 15.13 to provide procedures relating to the Indian Child Welfare Act ("Act") and Bureau of Indian Affairs regulations.

The Act creates a policy for the United States:

to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimal Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique

values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.

25 U.S.C. § 1902. *See also Haaland v. Brackeen*, 599 U.S. —, 143 S.Ct. 1609, 1623 (2023) (“The Act thus aims to keep Indian children connected to Indian families.”) The Act further provides “[a]n Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child. . . .” 25 U.S.C. § 1911.

In 2016, the Bureau of Indian Affairs promulgated regulations relating to the Act. The regulations require state courts to determine on the record, at the initial proceeding, whether a child subject to a “child custody proceeding” is an Indian child. *See also* 25 U.S.C. § 1903; 25 C.F.R. § 23.2 (defining “child custody proceeding”); 25 C.F.R. § 23.103 (identifying proceedings in which the Act applies). The courts must also advise the participants of an ongoing obligation to inform the court if any of them subsequently learns the child is an Indian child. 25 C.F.R. § 23.107. If there is reason to know the child is an Indian child, several protections outlined in the Act and regulations must be afforded to the child.

The Committee began rulemaking to implement the Bureau of Indian Affairs regulations in the adoption rules. However, a federal district court in the Northern District of Texas held portions of the Act to be unconstitutional and certain of the regulations to be invalid. *See Brackeen v. Zinke*, 338 F.Supp.3d 514 (N.D. Tx. 2018). The case was appealed to the Fifth Circuit Court of Appeals and the District Court’s order was stayed. *See Brackeen v. Berhardt*, appeal docketed, No. 18-11479 (5th Cir. Nov. 19, 2018). Because *Brackeen* involved the Act and regulations relied upon by the Committee in rulemaking, the Committee suspended rulemaking pending the outcome of the litigation. On June 15, 2023, the Supreme Court decided the appeal, holding that the Act was constitutional. *See Haaland v. Brackeen*, 599 U.S. —, 143 S.Ct. 1609 (2023).

With *Brackeen* decided, the Committee proposes amending Rules 15.2, 15.3, 15.7, 15.8, 15.9, 15.10, and 15.13 to require orphans’ courts at the initial proceeding to inquire as to the efforts made by the agency or intermediary, if there is one, to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. The court would be required to advise the participants of an ongoing obligation to inform the court if any of them subsequently learn the child is an Indian child.

Rule 15.2 contains the statutory definition from the Act for “Indian child.” The definition applies to those rules requiring that the initiating filing contain an allegation of whether a child is an Indian child. Rule 15.3(c) contains the requirements for the inquiry and determination of whether a child is an Indian child. The requirements apply to those rules containing findings related to the initial proceedings, *i.e.*, commencement of proceedings.

Five rules providing for initial proceedings were identified: 1) Rule 15.7—voluntary relinquishment to agency; 2) Rule 15.8—voluntary relinquishment to adult intending to adopt child; 3) Rule 15.9—alternative procedure for relinquishment by confirmation of consent to adoption; 4) Rule 15.10—involuntary termination of parental rights; and 5) Rule 15.13—adoption. Proposed amendments relating to identification of an Indian child were added to each rule.

It should be noted that proceedings involving the same child could have multiple “initial proceedings,” such as a

termination of parental rights hearing and a hearing on an adoption petition. The same individual may not be the petitioner for all initial proceedings and not all parties may be present at earlier proceedings. Therefore, to identify Indian children as soon as possible and to accommodate the various methods of initiating a proceeding, the pleading, inquiry, and determination requirements have been added to all five proceedings with an understanding that it may be duplicative in some scenarios.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 23-1113. Filed for public inspection August 18, 2023, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; Administrative Doc. No: 10055-2023

#### Administrative Order

It is hereby Ordered that Beaver County’s Local Rules of Civil Procedures are modified per the following.

Pursuant to Pa.R.J.A. 103, the District Court Administrator is directed to:

1. File one (1) certified copy of this Administrative Order with the Administrative office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);
2. File two (2) paper copies and one (1) electronic copy in Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <https://www.beavercountypa.gov/departments/courts>, after publication in the *Pennsylvania Bulletin*;
4. Incorporate the change rule into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*;
5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

*By the Court*

RICHARD MANCINI,  
*President Judge*

#### Local Rules of Civil Procedure

##### Preface

The Local Rules of the Court of Common Pleas of Beaver County are intended to supplement the Pennsylvania Rules of Civil Procedure. The latter’s system of numbering has been preserved. A local rule dealing with the same or related subject matter as that dealt with by a Pennsylvania Rule of Civil Procedure has been given the same number as the Pennsylvania Rule of Civil Procedure and is preceded by the letter “L” to indicate its local character. All local rules should be read in connection with the Pennsylvania Rules of Civil Procedure bearing the same numbers.

The rules of construction found in the Pennsylvania Rules of Civil Procedure shall apply to all Local Rules of the Court of Common Pleas of Beaver County.

The Local Rules may be cited as "Beaver County L.R. No. \_\_\_\_\_."

**LR205.1. Court Action on Legal Papers.**

Any party who desires the signature of, or action by a judge on a legal paper and who [ **has delivered or** ] will deliver the paper to the Prothonotary for filing in accordance with Pa.R.C.P. No. 205.1, must **first** present the paper in motions court for entry of the order.

*Note:* The paper must be presented to the court personally by or through counsel. After action is taken on the paper, the court will return the paper to counsel for filing and service. This rule does not apply to motions for summary judgment, motions for judgment on pleadings or post-trial motions.

**LR205.2(a). Requirements for Pleadings and Other Legal Papers.**

All pleadings and other legal papers shall be printed in double space on white paper size 8 1/2 x 11 inches and

secured by an appropriate metal or plastic fastener. The use of a gummed or taped substance is not permitted. Exhibits shall be tabbed **at the bottom of the page** and labeled. Wherever a copy of a writing is attached to a pleading, brief or other paper submitted to the Court, such copy shall be clearly legible and faithfully represent the original in every respect. The Court may require [ **a substitute copy to be made** ] **a legible copy be substituted** and filed before the pleading, brief or other paper will be considered by the Court.

[ See [http://www.pacourts.us/NR/rdonlyres/F0D81C59-2E56-4BB2-9A1FCD0D48E1D48A/0/CoverSheetCPCivilFilings\\_100226.pdf](http://www.pacourts.us/NR/rdonlyres/F0D81C59-2E56-4BB2-9A1FCD0D48E1D48A/0/CoverSheetCPCivilFilings_100226.pdf) for the statewide Cover Sheet ]  
See <http://www.pacourts.us/forms> for the standard cover sheet for civil filings.

**LR205.2(b). Cover Sheet.**

(1) *Complaint/initial pleading*

In addition to the state required cover sheet, a complaint or initial pleading shall be accompanied by a Beaver County cover sheet. The cover sheet shall be in the form set forth below:

**Court of Common Pleas of Beaver County**

Civil Division

<p>For Prothonotary Use Only (Docket Number)</p>
--

**Civil Cover Sheet**

<b>PLAINTIFF'S NAME</b>		<b>DEFENDANT'S NAME</b>	
<b>PLAINTIFF'S ADDRESS</b>		<b>DEFENDANT'S ADDRESS</b>	
		<b>DEFENDANT'S NAME</b>	
		<b>DEFENDANT'S ADDRESS</b>	
<b>TOTAL NO. OF PLAINTIFF</b>	<b>TOTAL NO. OF DEFENDANTS</b>	<b>COMMENCEMENT OF ACTION</b>	
		<input type="checkbox"/> Complaint <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Other Jurisdictions	
<b>AMOUNT IN CONTROVERSY</b>		<b>CASE TYPE</b>	
<input type="checkbox"/> [ <b>\$25,000</b> ] <b>\$35,000</b> or less <input type="checkbox"/> Over [ <b>\$25,000</b> ] <b>\$35,000</b>		<input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Partition <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Ejectment <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Replevin <input type="checkbox"/> Product Liability <input type="checkbox"/> Quiet Title <input type="checkbox"/> Asbestos <input checked="" type="checkbox"/> [ ] Other: _____ <input type="checkbox"/> Domestic Relations <input type="checkbox"/> [ ] Divorce <input type="checkbox"/> [ ] Custody	
<b>ARBITRATION CASE</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No			

TO THE PROTHONOTARY:			
NAME OF PLAINTIFF'S/PETITIONER/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT):		ADDRESS (SEE INSTRUCTIONS)	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
SIGNATURE	SUPREME COURT IDENTIFICATION NO	DATE	

The cover sheet shall also be published on the Court website, [www.beavercountypa.gov](http://www.beavercountypa.gov).

(2) *Subsequent pleadings*

All subsequent pleadings shall be accompanied by a cover sheet in the form as published on the Court website, [www.beavercountypa.gov](http://www.beavercountypa.gov).

**LR206.1(a). Petition Definition, Content, Form.**

Where all persons affected by the request for relief have not consented thereto, the following applications for relief are included in the definition of "Petition" and shall be governed by Pa.R.C.P. No. 206.1 et seq.

1. An application for coordination of actions filed in different counties under Pa.R.C.P. No. 213.1.
2. An application to strike off a discontinuance.
3. An application to reinstate an action terminated by reason of inactivity which is presented pursuant to Pa.R.C.P. No. 230.2(d)(3).
4. Applications to transfer an action for convenience of parties and witnesses or to secure a fair and impartial trial.
5. Applications for sanctions under Pa.R.C.P. No. 1023.2 (**Motion for Sanctions**) or 1042.7 (**Entry of Judgment of Non Pros for Failure to File Certification**) or 4019 (**Sanctions**) or LR212.3 (**Imposition of Sanctions for Obdurate Conduct**) or LR229.1 (**Sanctions for Failure to Pay an Award From an Arbitration or Dispute Resolution**).
6. Applications to intervene.
7. Applications for attorney fees under 42 Pa.C.S.A. § 2503.
8. Application to open a confessed judgment
9. Any other application requesting a Rule to Show Cause under any rule, statute or case authority.

In addition to the requirements of Pa.R.C.P. No. 206.1 et seq., a petition shall set forth the history of prior judicial activity in the case. The history shall include the nature and date of prior judicial activity and the name of the judge who handled the matter. Any Exhibit attached thereto shall be a legible photocopy or other reproduction of the original.

Each petition filed with the Court shall contain a proposed order for the Court's consideration. Said pro-

posed order shall follow the provisions of Pa.R.C.P. 206.5, with alternative provisions in paragraph (d)(4) and (5), so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

**LR206.1(b). Presentation of Petitions.**

The Court will be available to receive petitions at the times and in accordance with the practice which is published for the presentation of motions in the annual Court Calendar. **The original petition should be presented to the Court in scheduled Motions Court prior to filing with the Prothonotary.**

*Note:* The prescribed time to receive motions appears on the Beaver County web site: [ <http://www.beavercounty.org/motions.htm> ] <http://www.beavercounty.pa.gov/departments/courts/>.

**LR206.1(c). Notice to All Parties.**

The Court will not entertain a petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the petition. The petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a petition after oral notice only in emergency situations. Ex parte petitions will not be entertained without prior notice unless notice is not possible.

**Note: The filing party is strongly encouraged to send a courtesy copy of the petition to the chambers of the Civil Administrative Judge and the Judge assigned to the case.**

**LR206.4(c). Procedures for Issuance of a Rule to Show Cause.**

(1) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa.R.C.P. No. 206.5.

(2) Whether or not the petition has been filed, it shall be presented to the Court by counsel for the petitioner at the time prescribed for the receipt of motions by the Court, provided noticed is given in accordance with LR206.1(c).

*Note:* The prescribed time to receive motions appears on the Beaver County web site: [ <http://www.beavercounty.org/> Links are available to the Court and then to Motions Court ] <https://www.beavercounty.pa.gov/departments/courts/>.



(3) The petition must be accompanied by an order in the form set forth in Pa.R.C.P. No. 206.5(d). If appropriate to do so, the Court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(4) After the Court issues the rule, counsel for the petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

**LR207.1. Motions to Exclude Expert Testimony which Relies upon Novel Scientific Evidence.**

All motions to exclude expert testimony authorized by Pa.R.C.P. No. 207.1 shall be filed and served no later than 30 days after the pre-trial conference unless otherwise directed by Court or the case management order. The content of the motion shall be in accordance with Pa.R.C.P. 207.1(a).

*Note:* This rule is intended to require a party to raise the issue of the admissibility of testimony of an expert witness prior to trial pursuant to Pa.R.C.P. No. 207.1(b). If a motion is filed untimely, the issue will be deemed waived and the motion dismissed sua sponte.

**LR208.2(e). Discovery Motions.**

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

LR208.3(a). Procedure Governing **Civil** Motions.

(1) All motions, as defined in Pa.R.C.P. No. 208.1, [ **whether or not they have been filed,** ] shall be presented to the Court by the moving party. **The original motion should be presented to the Court in scheduled Motions Court prior to filing with the Prothonotary.**

**Note: The filing party is strongly encouraged to send a courtesy copy of the motion to the chambers of the Civil Administrative Judge and the Judge assigned to the case.**

(2) The Court will be available to receive motions at the times and in accordance with the practice which is published in the annual Court Calendar.

*Note:* The prescribed time to receive motions appears on the Beaver County web site: [ **www.beavercounty courts.org. Links are available to the Court and then to Motions Court** ] **https://www.beavercounty pa.gov/departments/courts/.**

(3) *Notice to All Parties.* The Court will not entertain a motion in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the motion. The motion shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a motion after oral notice only in emergency situations. Ex parte motions will not be entertained without prior notice unless notice is not possible.

**LR208.3(b). Procedure Governing Family Motions.**

**(1) All motions, including special relief, shall be presented to the assigned motions judge after notice is given to opposing party or that party's counsel of record pursuant to local rule LR208.3(a)(3) and a courtesy copy provided to the Court.**

**(2) A copy of any motion which is anticipated to be contested shall be delivered to the motions judge at least twenty-four hours prior to presentation.**

**(3) No contested motions will be entertained by the Court unless counsel for the parties or any self-represented party shall have first conferred and attempted to resolve the issues.**

**(i) All contested motions shall have a written certification attached by the moving party. The certification, substantially as set forth in LR1915, shall state the date and manner of the conference with respect to each disputed matter.**

**(ii) In the event that counsel or the self-represented party have no conferred, the moving party will certify the reason or reasons that the parties were not able to confer.**

**(iii) In the event that both parties are self-represented and subject to an existing Protection from Abuse Order, the parties are excused from conferring to resolve the dispute. The Certificate of Compliance form shall be attached to the Motion and completed "unable to confer due to a Protection from Abuse Order."**

FORM:

**CIVIL DIVISION—LAW**

\_\_\_\_\_  
**Plaintiff**  
  
**vs.**  
  
\_\_\_\_\_  
**Defendant**

⋮  
⋮  
⋮  
⋮  
⋮  
⋮  
⋮  
⋮  
⋮  
⋮

No. \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE FOR RULE 1915d**

**I certify that I have complied with Local Rule 1915d as noted below.**

**Talked by phone**

\_\_\_\_\_  
**(date)**

**Met in Person**

\_\_\_\_\_  
**(date)**

**Telephoned/Left message**

\_\_\_\_\_  
**(date)**

**Emailed**

\_\_\_\_\_  
**(date)**

**Emergency**

\_\_\_\_\_

**Other:**

\_\_\_\_\_

**Domestic Violence Waiver**

\_\_\_\_\_

**Unable to Confer because:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name**

**LR210. Form of Briefs.**

In addition to the requirements of Pa.R.C.P. No. 210, briefs shall comply with the following requirements:

**[ A. ] (a)** Except for quotations, briefs shall be double spaced, single sided on white paper size 8 1/2 x 11 inches and shall not exceed 10 pages, excluding exhibits and cover sheets, in length unless otherwise permitted by Order of Court for cause shown **[ or by agreement of the parties by filed stipulation ]**.

**[ B. ] (b)** Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon;
6. a conclusion setting forth the requested relief sought.

**[ C. ] (c)** Any exhibits attached thereto must be tabbed **at the bottom of the page** and identified.

**(d) Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

**LR211A. Oral Arguments.**

The court will be available to hear oral arguments on the dates designated on the court calendar or such other dates as may be determined by the court. **[ LR211B Argument Lists. ]**

**LR211B. Argument Lists.**

(1) Cases shall be placed on the argument list by Praecept of a party or by order of court. Immediately after the last day to file a praecipe for argument, the Court Administrator shall compile a list of cases to be argued. Thereafter, the Court Administrator shall assign the cases to those judges assigned to preside over civil cases, schedule the cases for oral argument, **and** cause notice of the assignment and the time and place for oral argument to be mailed to all parties unrepresented by counsel as well as all counsel of record **[ , and publish the assigned list in the *Beaver County Legal Journal* ]**.

(2) The praecipe for argument shall be in the form approved and revised from time to time by the court. The original praecipe for argument shall be filed with the Prothonotary and a copy thereof delivered to the Court Administrator.

(3) All interested parties must be present for the oral argument **[ ; failure to appear may result in an order being entered against the party ]**.

(4) Cases may be submitted on briefs only without oral argument upon written, filed stipulation of all parties



filed with the Prothonotary and a copy of the stipulations shall be delivered to the Court Administrator.

#### LR211C. Briefing Schedule.

(1) The moving party's brief and a praecipe for argument shall be simultaneously filed with the Prothonotary and a copy provided [ submitted ] to the Court Administrator [ and served in accordance with the following schedule: ]. Failure to do so may result in the matter being denied or dismissed upon motion or sua sponte.

[ (a) where the moving party files the praecipe for argument, not later than simultaneously therewith;

(b) where the responding party files the praecipe for argument or the court orders the matter on the argument list, at least twenty (20) days prior to the argument date;

If the moving party fails to timely submit a brief, the court may deny the relief sought or impose other sanctions. ]

(2) The responding party's brief shall be submitted to the Court Administrator and served at least ten (10) days prior to the argument date [ provided that the moving party's brief has been timely served. If the brief is not timely submitted, the court may prohibit the responding party from presenting oral argument or may impose other sanctions ].

#### LR211D. Miscellaneous Provisions.

(1) Any issue which has not been timely raised and [ properly discussed in a timely submitted brief may be deemed absolutely to have been waived ] briefed may be deemed to have been waived.

(2) Each party will be allowed fifteen (15) minutes to present oral argument subject, however, to the court's power to limit or extend the time for argument. The time for argument shall be limited to not more than thirty (30) minutes for each side notwithstanding the existence of more than two moving or responding parties. The maximum time shall be divided between or among the moving parties or between or among the responding parties as they may decide.

(3) Oral argument will not be continued except on written motion, for cause shown. Such motion shall be subject to L208.3(a).

#### [ LR212.1 Civil Actions. Certification for Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

The following rule shall apply to only those civil actions filed prior to January 1, 2019 (any actions filed on that date or thereafter shall be governed by LR301—pertaining to civil case management):

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

*Note:* This provision is intended to constitute the Notice Required by Pa.R.C.P. No. 212.1(a).

B.(1) A civil action shall be certified for trial by jury, judge or board of arbitration, by filing with

the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L208.3(a) has been given.

*Note:* The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pre-trial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4). ]

#### LR212.2A. Pre-Trial Conference and Pre-Trial Statements.

[ A. ] Unless otherwise directed by the court, a Pre-Trial Conference shall be scheduled by the Court Administrator for every case certified for jury trial, or by the Court in a case management order. Pre-Trial Conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) [ Prior ] No less than twenty (20) days prior to the Pre-Trial Conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose except for good cause shown.

(2) Pre-Trial statements which comply with Pa.R.C.P. No. [ 212 Shall ] 212.2 shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than seven (7) days prior thereto. Failure to file a timely pre-trial statement may result in continuance of the Pre-Trial Conference and sanctions in the form of counsel fees payable to opposing counsel. In addition[ , ] to the requirements of Pa.R.C.P. No. 212.2, the Pre-Trial Statement shall contain:

(a) A statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority:

(b) An itemized statement of all medical and hospital and other bills and expenses claimed;

(c) An itemized statement of lost earnings and impairment of earning power together with the basis therefore;

(d) A statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included;

**[ Note: Although Pa.R.C.P. No. 212.2(a)(5) requires the inclusion of an expert report or proper answer to interrogatory, and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records, nor illegible office notes, are to be included. ]**

(e) All trial exhibits are to be marked for identification but need not be attached to the Pre-Trial Statement.

**Note: Although Pa.R.C.P. No. 212.2(a)(5) requires the inclusion of an expert report or proper answer to interrogatory, and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records, nor illegible office notes, are to be included.**

(3) Unless excused by the court upon cause shown, the Pre-Trial Conference shall be attended by [ trial ] counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the MCARE Fund, **a representative of any Commonwealth or local agency**, and any defendant whose personal approval of a settlement offer is required and has not been given. **Counsel attending the Pre-Trial Conference will be deemed to be trial counsel and may only be substituted for good cause shown.**

**[ Note: Where a liability insurance carrier, the MCARE Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court will probably excuse attendance at the Pre-Trial Conference. All requests to be excused should be by formal motion setting forth the reasons for the request and shall be presented in accordance with LR208.3(a). ]**

**If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanction may be imposed. ]**

(4) After the Pre-Trial Conference has concluded, no Supplemental Pre-Trial Statement may be filed without leave of court for cause shown.

#### **LR212.2B. Case Management Conference and Complex Cases.**

**[ A. ] (1)** At any time after the pleadings have closed (e.g., Complaint, Answer and New Matter and Reply to New Matter), any party may move the Court, or the Court may move on its own[ , ] to schedule a case management conference, without the need for consent from the other party or parties.

**[ B. ] (2)** After receiving the motion, the Court shall schedule a case management conference[ , ] at which the Court will set a discovery schedule, date for filing of

dispositive motions, date for exchange of expert reports, and a date for a pretrial conference. Said dates will only be extended for good cause shown.

**[ C. ] (3)** If the case is a complex case (one that involves significant legal and factual issues, has multiple experts, will take more than several days to try and requires significant attention of the Court in connection with pretrial and trial motions), the party filing the motion for a case management conference should advise the Court of that fact in the motion so that a special schedule and trial date can be set.

#### **LR212.3. Pre-Trial Conference—Imposition of Sanctions for Obdurate Conduct.**

**[ A. ] (a)** The Court may request the presence of an official court stenographer, or utilize the digital audio recording system, during a pre-trial conference. **[ The record shall not be transcribed unless ordered by the presiding judge. ]**

**B. ] (b)** The presiding judge shall recommend a settlement amount to counsel for parties if the judge determines that he or she can fairly evaluate the case for settlement purposes. The recommendation and the reasons in support thereof shall be included in the stenographer's notes as well as the parties' settlement positions and the reasons therefore.

**[ C. ] (c)** The court may make a finding that a party has engaged in obdurate conduct in regard to the party's settlement position either sua sponte or on petition of another party. In either event, not later than ten (10) days after a jury verdict or a decision of the court, upon petition of a party or the court, a rule shall be issued to show cause why counsel fees should not be awarded under 42 Pa.C.S.A. § 2503(7). The Petition Practice set forth in Pa.R.C.P. No. 206.1 et seq. will apply.

**[ D. ] (d)** The court should consider and weigh the following factors determining whether or not to impose sanctions:

1. The facts and circumstances which existed at the time of the pre-trial conference;
2. Whether there was a change in such facts or circumstances to account for a variation between the plaintiff's demand, the defendant's offer and the jury's verdict;
3. The final settlement demand and offer;
4. The settlement value;
5. Whether there was substantial merit to the parties' claim or defense, and;
6. Whether a party's settlement position had a reasonable basis in law or in fact.

#### **LR213. Joinder of Cases.**

All Orders which join separately filed actions shall specify whether the joinder is intended to provide for a joint trial or hearing, or is intended to consolidate the actions for all purposes. The Order shall further specify the caption(s) and court number(s) to be utilized thereafter.

#### **LR213A. Motion for Joint Hearing or Trial.**

All Motions for a Joint Hearing or Trial shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, upon consideration of the foregoing Motion for Joint Hearing or Trial, it is hereby ORDERED and DECREED that a joint hearing or trial shall be held in the cases of \_\_\_\_\_, \_\_\_\_\_ filed at No. \_\_\_\_\_, and \_\_\_\_\_, filed at No. \_\_\_\_\_. Each case shall maintain its separate caption and case number. The Prothonotary shall docket this Order at both case numbers and shall place a duplicate copy of same in the file at No. \_\_\_\_\_. All future filings shall be docketed and maintained separately at the case number they relate to.

BY THE COURT:

\_\_\_\_\_, J.

**LR213B. Motion for Consolidation.**

Motions to Consolidate shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, upon consideration of the foregoing Motion to Consolidate, it is hereby ORDERED and DECREED that the cases of \_\_\_\_\_ at No. \_\_\_\_\_, and \_\_\_\_\_ at No. \_\_\_\_\_, shall be consolidated for all purposes at No. \_\_\_\_\_. The Prothonotary shall transfer all previous filings at No. \_\_\_\_\_ to the consolidated case number at No. \_\_\_\_\_. All future filings shall be captioned and docketed as follows:

\_\_\_\_\_

vs.

\_\_\_\_\_

and

No. \_\_\_\_\_

\_\_\_\_\_

vs.

BY THE COURT:

\_\_\_\_\_, J.

*Note:* Rules LR213, LR213A and LR213B are intended to clarify for the parties, Court, Prothonotary and Appellate Courts, the intended effect of a joinder and whether the cases are to have a separate or consolidated identity as discussed by the Pennsylvania Superior Court in *Keefer v. Keefer*, 741 A.2d 808 (Pa. Super. 1999).

**LR214. Trial Lists.**

[ A. ] (a) The Court Administrator shall maintain a master list of cases to be tried before a jury and a master list of cases to be tried by a judge without a jury. Cases shall be placed on either list pursuant to order of court.

[ B. ] (b) After consultation with the court, the Court Administrator shall prepare a list of cases to call for trial before a jury from the master list. The trial list shall be prepared so as to give preference in accordance with Pa.R.C.P. No. 214 and then as the court may see fit. Cases that have not been given preference shall be listed for trial, as nearly as possible, in the chronological order in which they were placed on the master trial list.

The Court Administrator shall then mail a notice of trial to counsel for each party and to each party not represented by counsel. Notice may be by regular mail addressed to counsel or the party at the address they have endorsed on their last pleading.

[ C. ] (c) The Court Administrator shall assign cases from the master list of non-jury cases to a judge and give notice of the assignment by regular mail to counsel for each party and each party not represented by counsel. All scheduling of such cases will be done by the assigned judge.

**LR217. Costs on Continuance.**

[ A. ] (a) Bills of costs must set forth the names of witnesses, the dates of their attendance the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his attorney that the witnesses named were actually present in Court, and that, in his opinion they were material witnesses. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa.R.C.P. 440.

[ B. ] (b) The party upon whom a bill of costs has been served waives all objections to it unless, within ten (10) days after such service, exceptions thereto are filed. Thereafter, the issue shall be determined by the Court in accordance with Pa.R.C.P. No. 206.1—206.7.

[ C. ] (c) Where the plaintiff resides out of the state, or is a foreign corporation, the defendant, upon filing a petition, may have a rule issued on the plaintiff to enter

security for costs within twenty (20) days after notice. In the meantime, all proceedings may be stayed. Upon proof of default filed, the court may enter a judgment of non pros.

**[ LR220.1. Voir Dire of Prospective Jurors.**

**Voir Dire of Prospective Jurors will be conducted in accordance with Pa.R.C.P. 220.1.**

The standard questions in Pa.R.C.P. 220.1 may be deleted or revised to accommodate the particular case either by agreement of counsel for all parties or by leave of court. Additional questions may be posed to prospective jurors by agreement of counsel for all parties or by leave of court. Such deletions, revisions or additions may be requested orally during voir dire provided that all parties or their counsel consent thereto. Otherwise, all deletions, revisions and additions to the list of questions shall be in writing, filed with the Prothonotary and submitted to the trial judge or, if unknown, to the Court Administrator and served on all other parties or their counsel at least seven (7) days prior to the first day of trial term and, unless agreed upon by counsel for all parties, shall not be propounded to the prospective jurors without court approval. ]

**[ LR 233 ] LR223.1 Custody and Storage of Trial Exhibits.**

**[ A. ] (a)** All non-documentary exhibits and documentary exhibits larger than 8.5 x 11 inches shall remain in the custody of the moving party and shall be removed from the courthouse at the conclusion of the trial. Such exhibits shall be retained by the moving party until conclusion of the case and shall be produced upon order of the trial judge to do so when necessary.

**[ B. ] (b)** Any party desiring to utilize a magnified copy of a document or photograph or image at trial, either in hard copy or on a projection screen, shall first submit the original or a copy thereof to be marked as an exhibit for receipt into evidence.

*Note:* The purpose of this rule is to eliminate problems encountered by the court stenographers relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

**[ C. ] (c)** A hard copy of any photograph or document admitted into evidence at a trial must be provided to the court.

**[ LR229.1. Sanctions for Failure to Pay an Award from an Arbitration or Dispute Resolution from which No Appeal has been Taken.**

**A.** As used in this rule, the following words shall have the following meaning:

**“Award.”** The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding

which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.

**B.** The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.

**C.** The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.

**D.** A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.

**E.** If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include:

(a) an affidavit attesting to nonpayment;

(b) a copy of any document evidencing the procedural history of the matter;

(c) a copy of the award;

(d) a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and

(e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph F below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

**F.** Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

**G.** The Petition shall be accompanied by two Orders in substantially the following form:

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, a Rule is issued upon \_\_\_\_\_ to show cause why sanctions should not be imposed for failure to deliver awarded funds to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or \_\_\_\_\_, 20 \_\_, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.



BY THE COURT:

\_\_\_\_\_, J.

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five days of receipt of the award in the above captioned action, and \_\_\_\_\_ conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$( \_\_\_\_ ), \_\_\_\_\_ is ordered to pay forthwith simple interest thereon at the rate of \_\_\_\_\_ on \$( \_\_\_\_ ) from \_\_\_\_\_ to the date of delivery of the awarded funds, together with \$( \_\_\_\_ ) in attorneys' fees, and \$ \_\_\_\_ in liquidated damages, pursuant to Beaver County Local Rule 229.1.

BY THE COURT:

\_\_\_\_\_, J.]

CIVIL CASE MANAGEMENT

LR301. Initial Case Management Conference.

The Court shall hold civil case management conferences for all civil matters (excluding those set forth in subsection (3) below), one day per month as shall be designated in the Court calendar. The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in civil matters:

[ (1) ] (a) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.

[ (2) ] (b) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the third month following the month of the initial case filing, on a date set forth in the Court calendar.

[ a. ] 1. Initial case filings shall include appeals from civil judgments of the Magisterial District Courts, appeals from compulsory arbitration and those cases initiated by Writs of Summons.

*Note:* Cases originally filed in compulsory arbitration shall not automatically be scheduled for a case management conference pursuant to subsection (3) below. However, appeals from compulsory arbitration will be treated as an initial case filing for purposes of civil case management and will be scheduled for a case management conference by the Prothonotary at the time of the filing of the appeal. Parties in this circumstance may wish to move the Court for a case management conference sooner (see LR212.2B) since fact discovery will presumably have been completed by this time.

[ (3) ] (c) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

- [ a. ] 1. Actions in mortgage foreclosure (see LR1143);
- [ b. ] 2. Actions subject to compulsory arbitration;
- [ c. ] 3. Actions pursuant to protection from abuse;
- [ d. ] 4. Actions for support;

[ e. ] 5. Actions for custody, partial custody, and visitation of minor children;

[ f. ] 6. Actions of divorce or annulment of marriage; and

[ g. ] 7. Real estate assessment appeals (see LR8000.5).

[ (4) ] (d) Eminent domain cases shall be included within the civil case management system. However, a case management conference shall not be scheduled upon the filing of a declaration of taking because a declaration of taking does not commence an action (*In Re Condemnation of Stormwater Management Easements v. Valley Forge Railways, Ltd.*, 829 A.2d 1235 (Pa. Cmwlth. 2003)). Rather, upon presentation of a petition for appointment of a Board of View, which does commence an action and which must be filed at a separate case number, to institute a separate case, the Court will schedule a case management conference to set a schedule for that separate action.

[ (5) ] (e) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

[ a. ] 1. This case summary shall be substantially in accordance with Form 301A and shall set forth the general nature of the case, whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, amenability of the parties to alternative dispute resolution and a proposed date for a pre-trial conference;

[ b. ] 2. If the case was initiated by a Writ of Summons or is an appeal from a civil judgment of the Magisterial District Courts to which a complaint has not yet been filed, the party shall notify the Court whether the party intends to file a complaint within 90 days from the date of the conference.

*Note:* While there is no formal local rule pertaining to mechanisms for alternative dispute resolution (ADR), in the Court's experience, parties often agree to case mediation, binding or non-binding private arbitration, high/low agreements or binding 6-member jury trials, all of which have been successful in resolving cases. The Court en-

courages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

**[(6)] (f)** At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions, the exchange of expert reports, the scheduling of alternative dispute resolution (if applicable) and shall place the case on a list for a pre-trial conference.

**[a.] 1.** In matters it deems complex or otherwise in its sole discretion, the Court may defer setting a deadline on any of the items set forth in subsection (6) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.

**[b.] 2.** If the case was not initiated as one subject to compulsory arbitration but the Court determines at the time of the conference that it should have been filed as such, the Court may order the case to proceed through arbitration and schedule the arbitration hearing at that time.

**[c.] 3.** If the case is one initiated by a Writ of Summons to which a complaint has not yet been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

**[d.] 4.** If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has been filed, the Court may schedule the case for arbitration, or it may, in its discretion, schedule a review conference at a later time.

**[e.] 5.** If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has

not been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

**[(7)] (g)** Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (5) may result in sanctions, at the discretion of the Court including, but not limited to:

**[a.] 1.** The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing, *See* 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

**[b.] 2.** The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

**[c.] 3.** Any other sanction the Court deems appropriate.

**[(8)] (h)** Nothing in this section shall be construed as to prevent either party from presenting a motion requesting a case management conference or from the Court sua sponte doing so, pursuant to LR212.2B, such that the Court may enter a new or amended case management order at that time.

*Note:* Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

**FORM 301A**  
**(COVER SHEET WITH CAPTION)**  
**LR301 CIVIL CASE SUMMARY**  
**NATURE OF THE CASE**

1. Please set forth the general nature of the case:

**PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS**

2. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please provide more detail:

**SUGGESTED DATES**

3. Set forth suggested dates for the following:  
Date by which fact discovery should be completed:  
Date by which expert reports should be exchanged:  
Dates by which dispositive motions and responses thereto should be filed:  
Dates proposed for pre-trial conference:

## WRIT OF SUMMONS/MDJ APPEAL

4. Is this a case which has either been initiated by a Writ of Summons or is an appeal of a civil judgment from the Magisterial District Courts and a complaint has not yet been filed? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, does the Plaintiff anticipate filing a complaint within 90 days of the case management conference? Yes \_\_\_\_\_ No \_\_\_\_\_

## ADR

5. Are you interested in attempting to resolve this case by a method of alternative dispute resolution?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
a. If yes, select one or more of the following:  
Mediation  Arbitration  Binding 6-Member Jury Panel

Submitted By: \_\_\_\_\_

## LR430. Service by Publication.

The *Beaver County Legal Journal* is designated as the publisher of legal notices in Beaver County. Unless the manner of publication of service of process or notice is otherwise specified by law or rule of court, such service or notice shall be made by publishing the same once in the *Beaver County Legal Journal* and once in a newspaper of general circulation in Beaver County.

## LR1018.1. Notice to Defend.

The following organization shall be named in the Notice to Defend as the organization from whom legal help can be obtained:

Lawyer Referral Service of the Beaver  
County Bar Association  
788 Turnpike Street  
Beaver, PA 15009  
Telephone Number: 724-728-4888  
<http://bcba-pa.org/lawyer-referral-service/>

## LR1028(c). Procedures for Disposition of Preliminary Objections.

(1) Except as otherwise permitted by Order of Court for cause shown [ **or by agreement of the parties by filed stipulation,** ] Preliminary Objections shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed [ **10** ] **ten (10)** pages in length. Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

**[ (1) ] (2) The preliminary objections, a supporting brief, and a Praeceptum for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the preliminary objections being overruled sua sponte or upon motion. A Praeceptum for Argument form can be secured from the Prothonotary. [ The original must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the preliminary objections.**

(2) ] (3) Upon receipt of a copy of the **preliminary objections, supporting brief, and** Praeceptum for Argument [ **and the preliminary objection** ], the Court Administrator shall place the case on a list to be argued [ **, assign the case to a judge** ] and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

[ (3) ] (4) Where preliminary objections raise an issue under Pa.R.C.P. 1028(a)(1), (5), (6), (7) or (8), the filing party shall first present a Motion for a Scheduling Order in Civil Motions Court, along with a copy of the preliminary objections which the party intends to file attached as an exhibit and accompanied by an Order in substantially the following form:

## ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing Motion for a Scheduling Order, it is hereby ordered that:

- (1) The attached preliminary objections shall be filed by the moving party, endorsed with a notice to plead, within \_\_\_\_\_ days of this Order;
- (2) Non-moving parties shall file response(s) to the preliminary objections, if required, within \_\_\_\_\_ days of this Order;
- (3) All discovery related to the issues raised in the preliminary objections shall be completed by \_\_\_\_\_;
- (4) Any evidence that the parties wish the court to consider shall be filed with the Prothonotary by \_\_\_\_\_;
- (5) The moving party shall file a Praeceptum for Argument with the Court Administrator after the expiration of the discovery period, but no later than \_\_\_\_\_;

(5A) Alternatively, argument shall be held on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_:\_\_\_ in Courtroom \_\_\_\_\_ of the Beaver County Courthouse;

(6) The brief of the moving party shall be filed by \_\_\_\_\_ and any response briefs shall be filed by \_\_\_\_\_; and

(7) Notice of the entry of this order shall be provided to all other parties by the moving party.

BY THE COURT:

\_\_\_\_\_, J.

At the time of the presentation of the motion, the Court shall issue a scheduling Order in accordance with the proposed Order set forth above. Failure of a party to comply with this subsection may result in sanctions.

[ (4) ] (5) The briefing schedule is governed by LR211C unless otherwise ordered by the court. **Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

**LR1034(a). Disposition of a Motion for Judgment on the Pleadings.**

(1) Except as otherwise permitted by Order of Court for cause shown [ **or by agreement of the parties by filed stipulation,** ] Motions for Judgment on the Pleadings shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed [ **10** ] **ten (10)** pages in length. Motions for Judgment on the Pleadings shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

[ (1) ] (2) **The Motion for Judgment on the Pleadings, a supporting brief, and a Praeceptum for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the Motion for Judgment on the Pleadings being denied sua sponte or upon motion.** A Praeceptum for Argument form can be secured from the Prothonotary. [ **The original Praeceptum must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the Motion for Judgment on the Pleadings.** ]

[ (2) ] (3) Upon receipt of a copy of the Praeceptum for Argument and the Motion for Judgment on the Pleadings, the Court Administrator shall place the case on the list to be argued [ **, assign the case to a judge** ] and send notice of the date, time and place of oral argument.

[ (3) ] (4) The briefing schedule is governed by LR211C unless otherwise ordered by the court. **Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

**LR1035.2(a). Disposition of Motions for Summary Judgment.**

(1) Except as otherwise permitted by Order of Court for cause shown [ **or by agreement of the parties by filed stipulation,** ] Motions for Summary Judgment shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed [ **10** ] **ten (10)** pages in length. Motions for Summary Judgment shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

[ (1) ] (2) **The Motion for Summary Judgment, a supporting brief, and a Praeceptum for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the Motion for Summary Judgment being denied sua sponte or upon motion.** A Praeceptum for Argument form can be secured from the Prothonotary. The original Praeceptum must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the Motion for Summary Judgment.

[ (2) ] (3) Upon receipt of a copy of the Praeceptum for Argument and the Motion for Summary Judgment, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

[ (3) ] (4) The briefing schedule is governed by LR211C unless otherwise ordered by the court. **Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

**MORTGAGE FORECLOSURE**

**LR1143. Initial Case Management Conference.**

The Court shall hold case management conferences for all mortgage foreclosure actions, one day per month as shall be designated in the Court calendar. The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in mortgage foreclosures:

[ (1) ] (a) The Prothonotary shall assign the case to a judge using the Infocon system.

[ (2) ] (b) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the first month following the month of the initial case filing, on a date set forth in the Court calendar.

[ (3) ] (c) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length [ : ].

[ a. ] This case summary shall be substantially in accordance with Form 1143(a) and shall set forth whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of discovery, suggested dates by which to file dispositive motions, amenability of the parties to participate in Housing Opportunities of Beaver County mortgage conciliation program.



[ (4) ] (d) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions and shall place the case on a list for pre-trial conference.

[ (5) ] (e) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection [ (3) ] (c) may result in sanctions, at the discretion of the Court including, but not limited to:

[ a. ] 1. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing. See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

[ b. ] 2. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

[ c. ] 3. Any other sanction the Court deems appropriate.

[ (6) ] (f) Nothing in this section shall be construed to prevent either party from presenting a motion, requesting a case management conference, or to prevent the Court from sua sponte doing so pursuant to LR212.2B, such that the Court may enter a new amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

Should a case be removed from the Residential Mortgage Foreclosure Conciliation Program, a case management conference shall be scheduled by the Court under the conditions of paragraphs (c)—(f) above.

FORM 1143(a)

(COVER SHEET WITH CAPTION)

LR1143 MORTGAGE FORECLOSURE CASE SUMMARY

PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGEMENT ON THE PLEADINGS

1. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide more detail:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

SUGGESTED DATES

2. Set forth suggested dates for the following:

Date by which fact discovery should be completed: \_\_\_\_\_

Dates by which dispositive motions and responses thereto should be filed:

Dispositive motions \_\_\_\_\_

Responses thereto \_\_\_\_\_

Date proposed for pre-trial conference: \_\_\_\_\_

3. Are you interested in applying to the Housing Opportunities of Beaver County mortgage conciliation program?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has the Defendant made application for the program?

Yes \_\_\_\_\_ No \_\_\_\_\_

Submitted By: \_\_\_\_\_

LR1147(a)(2). Mortgage Foreclosure.

[ 1. ] In order to comply with Pa.R.C.P. No. 1147(a)(2), every complaint in mortgage foreclosure shall contain a full and complete description of the land subject to the mortgage. NOTE: A Metes and bounds description of the land is preferable. The attachment as an Exhibit to the complaint of a copy of the deed which conveyed the land to the mortgagor(s) will usually constitute compliance with this rule. A reference in the complaint to a recorded deed or mortgage for a fuller description will not constitute compliance with this rule.

[ 2. The Prothonotary of Beaver County shall not accept for filing a complaint in mortgage foreclo-

sure which does not contain a full and complete description of the land subject to the mortgage. ]

COMPULSORY ARBITRATION

1301A. [ UNTITLED ].

These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code and were filed with the Prothonotary after January 1, 2022:

1. All civil actions, as defined in Pa.R.C.P. No. 1001(a) and (b)(1), as amended, for money damages where the amount in controversy on any claim is \$35,000 or less,

exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.

2. Where no appearance has been entered or a default judgment has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed \$35,000.

3. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

4. Cases in which the amount in controversy exceeds \$35,000 but does not exceed \$50,000.00 may be submitted to arbitration under these rules where all parties have consented thereto in writing and such written consent is filed.

5. For all actions filed prior to January 1, 2022, the arbitration limit shall remain \$25,000.00 pursuant to the former LR1301A, unless all parties have consented otherwise, in writing, and such written consent is filed.

**[ Note: Notwithstanding the increase in the arbitration limit to \$35,000.00, on appeal, parties who make an election pursuant to Pa.R.C.P. No. 1311.1 will be limited to \$25,000.00. ]**

#### **LR1301B. Exceptions.**

These rules shall not apply to the following matters:

1. Action in Ejectment;
2. Action to Quiet Title;
3. Action in Replevin, unless authorized by the court;
4. Action in Mandamus;
5. Action in Quo Warranto;
6. Action of Mortgage Foreclosure;
7. Actions upon Ground Rent;
8. Foreign Attachment;
9. Fraudulent Debtors Attachment; and
10. Where claims for relief were heretofore asserted in an action in equity.

#### **LR1301C. Compensation of Board.**

Each member of the Board of Arbitration who has signed an award, whether as a majority or as a dissenter, shall receive as compensation a daily fee in an amount as set by the Court from time to time by special order. Where hearings exceed one day, the arbitrators may petition the court for additional compensation which may be granted for cause shown. Any such request should be made prior to submitting the award to the Court Administrator as required by Local Rule 1306.

#### **LR1301D. Procedure for Payment.**

Upon the filing of the arbitrator's award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller, together with the names of the members of the Board and an Order for payment. The County Commissioners and Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

#### **LR1301E. Discovery.**

Discovery in Compulsory Arbitration cases subject to these rules shall be governed by LR4011 and shall be completed on the last business day of the fourth month after the month of the initial filing, unless leave of court for an extension of time is secured for cause shown.

#### **LR1302A. Eligibility to Serve as Arbitrators.**

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as Arbitrators. For purposes of this rule, "persons actively engaged in the practice of law" is defined as: persons who are authorized by the Pennsylvania Supreme Court to practice law and who regularly maintain their principal office in Beaver County for the practice of law, excluding all attorneys employed full time by Beaver County unless their Department Head consents in writing to their eligibility. Any person who desires to serve as an Arbitrator must attend an arbitration seminar approved by the Court Administrator.

#### **LR1302B. Qualifications of [ Chairman ] Chair.**

Only persons admitted to the practice of law for at least fifteen (15) years and who have extensive civil trial experience are eligible to serve as [ Chairman ] Chair of the Boards of Arbitrators.

#### **LR1302C. List of Arbitrators.**

The Court Administrator of Beaver County shall, with the approval of the President Judge, on or before October 1 of each year, compile a list of persons eligible to serve as Arbitrators including persons eligible to serve as [ Chairmen ] Chair of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an Arbitrator or [ Chairmen ] Chair with the Court Administrator. Arbitrators and [ Chairmen ] Chair shall be selected alphabetically as nearly as possible by the Court Administrator in accordance with L1302D from the persons who have filed a consent to serve.

#### **LR1302D. Selection of Board.**

Boards of Arbitrators shall be selected by the Court Administrator to serve on each arbitration day designated by the Court. Two Arbitrators and a [ Chairman ] Chair shall be selected from the list of eligible persons who have consented to serve and appointed to each Board. At least one of the two other arbitrators shall have significant civil trial experience. The Court Administrator shall give each Arbitrator at least ninety (90) days written notice of the date the Arbitrator is to serve.

#### **LR1302E. Scheduling of Cases.**

**[ (a) ] (1)** All cases subject to Compulsory Arbitration, shall be scheduled for hearing on the arbitration date for the sixth month after the month of the initial case filing.

**[ (b) ] (2)** Upon the initial filing of a case subject to Compulsory Arbitration, the Prothonotary shall issue an Arbitration Order setting forth the deadline for discovery and the Arbitration hearing date. The filing party shall serve a copy of the Arbitration Order with the initial filing and shall deliver a copy of the Arbitration Order to the Court Administrator.

**[ (c) ] (3)** All requests for a continuance with good cause shown must be submitted to and approved by the Court to a date to be selected by the Court Administrator. Continuances requested within 10 calendar days of the scheduled arbitration will not be granted barring unfore-

seen circumstances arising and/or good cause shown. Copies of all orders associated with the motion to continue must be served on all parties by the presenting party.

[ (d) ] (4) The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give written notice of the hearing date to counsel for all parties and to pro se litigants at least forty-five (45) days prior to the scheduled hearing date.

[ (e) ] (5) When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be grounds to continue the hearing.

[ (f) ] (6) If the case is initiated by Writ of Summons and no Complaint has been filed as of the time of the scheduled arbitration hearing, the Arbitration panel shall refer the case to the Civil Administrative judge for ruling.

[ (g) ] (7) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

#### **LR1302F. Vacancies and Substitute Arbitrators.**

An Arbitrator who has a conflict or is unable to attend a scheduled hearing date must immediately notify the Court Administrator. The Court Administrator shall appoint a substitute Arbitrator of similar experience (i.e., a [ **Chairman** ] **Chair** position will only be filled by another eligible [ **Chairman** ] **Chair**). Absent good cause, if an Arbitrator is unable to serve, then the Arbitrator must provide notice to the Court Administrator twenty (20) calendar days prior to the scheduled hearing date.

Should a vacancy on the Board of Arbitration occur for any reason prior to hearing, or should a member of the Board be unable to serve or fail to attend on the arbitration day, the Court Administrator shall be notified and shall appoint a substitute. The appointment of the substitute Arbitrator shall be communicated to all parties or their counsel prior to the commencement of the hearing. If a party has an objection to the substitute, it shall be made forthwith or be waived.

Should an Arbitrator fail to appear on the scheduled arbitration day, without good cause, or without having notified the Court Administrator at least twenty (20) calendar days prior thereto, then that Arbitrator shall be removed from the list of eligible Arbitrators. Sanctions may be imposed against the delinquent Arbitrator. A delinquent Arbitrator may petition the Court for reinstatement onto the list of eligible Arbitrators for good cause shown.

#### **LR1303A. Arbitration Hearings—Notice.**

[ (a) ] (1) Arbitration hearings shall be conducted at the Beaver County Courthouse pursuant to assignment by the Court Administrator. Prior to the commencement of the hearing, the Prothonotary shall administer the oath of office in the form mandated by Pa.R.C.P. 1312, to each arbitrator and deliver the file to the [ **Chairman** ] **Chair**.

[ (b) ] (2) Counsel will only be permitted to participate in the arbitration hearing if they have filed an Entry of Appearance with the Prothonotary's Office.

*Note:* Coverage counsel/local counsel is encouraged to enter their appearance as “co-counsel” so that out-of-county counsel will continue to receive notices from the Court.

[ (c) ] (3) If a party believes a case will require over an hour for presentation, then at least thirty (30) calendar days prior to the arbitration hearing that party should present a motion to the Civil Motion's Judge requesting more time for arbitration. In its discretion, the Court may schedule any cases which require more time for a non-jury trial. The Board of Arbitrators shall have discretion to allow expansion of or to limit the time for the presentation of a case.

[ (d) ] (4) Every Complaint filed initially in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Duty to Appear at Arbitration Hearing (FORM 1303) following the Notice to Defend which is required by Pa.R.C.P. 1018.1(b).

[ (e) ] (5) For any case which is not filed initially in Compulsory Arbitration, including but not limited to, appeals from a civil judgment of a Magisterial District Court and cases which are transferred or assigned to arbitration by Order of Court, or for those cases where FORM 1303 was not included in the Complaint as required by LR1303A(d), any party seeking a claim for money damages shall file with the Prothonotary and serve on all other parties not less than sixty (60) days prior to the scheduled arbitration hearing, a Notice of Duty to Appear at Arbitration Hearing (FORM 1303).

*Note:* Failure of a party seeking a claim for money damages to comply with Rule LR1303A(d) or (e) would result in that party being barred from proceeding with a non-jury trial in lieu of an arbitration as provided in LR1303B.

#### **LR1303B. Failure to Appear for Hearing.**

[ (a) ] If a party fails to appear for a scheduled arbitration hearing [ **the matter may,** ] **and** if all present parties agree and have complied with LR1303A(d) and (e), [ **as the case may be,** ] **the matter may** be transferred immediately to a Judge of the Court of Common Pleas, if available, for an *ex parte* hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

[ (b) ] **A non-jury verdict entered at a hearing held pursuant to LR1303B(a) shall not exceed \$25,000.00 (exclusive of interest and costs) to any party. ]**

*Note:* This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1. A licensed attorney appearing for a party is considered an appearance for purposes of this rule.

#### **FORM 1303 NOTICE OF DUTY TO APPEAR AT ARBITRATION HEARING**

(Caption)

#### **DUTY TO APPEAR AT ARBITRATION HEARING**

YOU HAVE BEEN SUED IN COURT. The Notice to Defend contained in the Complaint explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to



Defend, a hearing before a board of arbitrators will take place at a time and place to be designated by the Beaver County Court Administrator.

IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

INFORMATION ABOUT THE DATE, TIME AND LOCATION OF THE ARBITRATION HEARING CAN BE OBTAINED FROM THE BEAVER COUNTY COURT ADMINISTRATOR'S OFFICE SET FORTH BELOW:

Beaver County Court Administrator  
Beaver County Courthouse  
810 3rd St.  
Beaver, PA 15009  
Telephone: (724) 770-4700

#### **LR1304. Powers of Arbitrators.**

The Board of Arbitrators shall have the powers conferred upon them by law, including the power to permit the amendment of any pleading. The Arbitrators' permission and the amendment must be filed in writing promptly.

*Note:* 1. See Pa.R.C.P. Nos. 1303(b) and 1304(a) for the power of arbitrators to act when a party fails to appear or is not ready.

#### **LR1306. Arbitration Award.**

The Board shall submit its award to the Court Administrator who shall note the same on its records and forthwith file the award with the Prothonotary. Failure to submit the Award promptly may result in the imposition of sanctions, including forfeiture of the Arbitrator's fees.

##### **LR1306.1. Sanctions for Failure to Pay an Award from an Arbitration or Dispute Resolution from Which No Appeal Has Been Taken.**

**(a) As used in this rule, the following words shall have the following meaning:**

**"Award." The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.**

**(b) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.**

**(c) The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.**

**(d) A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.**

**(e) If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include:**

- 1. an affidavit attesting to nonpayment;**
- 2. a copy of any document evidencing the procedural history of the matter;**
- 3. a copy of the award;**
- 4. a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and**
- 5. the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph F below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.**

**(f) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.**

**(g) The Petition shall be accompanied by two Orders in substantially the following form:**

#### **ORDER**

**AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a Rule is issued upon \_\_\_\_\_ to show cause why sanctions should not be imposed for failure to deliver awarded funds to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or \_\_\_\_\_, 20\_\_\_\_, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.**

**BY THE COURT:**

\_\_\_\_\_, J.



ORDER

AND NOW, this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five days of receipt of the award in the above captioned action, and conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(\_\_\_\_\_), \_\_\_\_\_ is ordered to pay forthwith simple interest thereon at the rate of \_\_\_\_\_ on \$(\_\_\_\_\_) from \_\_\_\_\_ to the date of delivery of the awarded funds, together with \$(\_\_\_\_\_) in attorneys' fees, and \$ \_\_\_\_\_ in liquidated damages, pursuant to Beaver County Local Rule 229.1.

BY THE COURT:

\_\_\_\_\_, J.

[ CLASS ACTIONS

LR1703. Class Actions—Assignment to a Judge.

A party who commences a class action shall forthwith deliver a copy of the complaint to the Court Administrator who shall forthwith assign the case to a Judge of the Court assigned to preside over civil cases. ]

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

LR1901.5. Procedure for Enforcement of Protection from Abuse Orders.

A. When a defendant is arrested for violation of a Protection From Abuse Order issued by the Court or a Temporary Protection Order issued by a District Justice, the defendant shall be preliminarily arraigned by a District Justice forthwith.

B. In that event, a complaint for a violation of an existing order must be filed with the District Justice by the plaintiff in such action or by the police. The complaint shall be substantially in following form:

(Caption)

COMPLAINT FOR INDIRECT CRIMINAL CONTEMPT FOR VIOLATION OF PROTECTION FROM ABUSE ORDER

I, the undersigned, do hereby state:

- 1. My name is \_\_\_\_\_ and I live at \_\_\_\_\_ ;
2. I accuse \_\_\_\_\_, who lives at \_\_\_\_\_, with violating a Protection From Abuse Order entered by Judge \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_, 20 \_\_\_\_ (attach a copy of the Order if available);
3. The date (and the day of the week) when the accused committed the offense was on or about \_\_\_\_\_ ;
4. The place where the offense was [ in the County of Beaver ] \_\_\_\_\_ ;
5. The acts committed by the accused were \_\_\_\_\_ ; all of which were in violation of the Protection From Abuse Order entered in accordance with the Protection From Abuse Act, 35 P.S. § 10181, et seq.;
6. If the defendant has not already been arrested, I ask that a warrant of arrest be issued and that the accused be required to answer the charges I have made.

I verify that the statements made in the complaint are true and correct to the best of my knowledge, information and belief. I further understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date \_\_\_\_\_ (Signature of Affiant)

The above subscribed affiant personally appeared before me on \_\_\_\_\_, \_\_\_\_\_, signed the complaint in my presence and asserted that the facts therein are true and correct; and wherefore it appears that there is probable cause for the issuance of process.

(SEAL) (Issuing Authority)

C. At the Preliminary Arraignment, the defendant shall be notified:

(a) that he or she is charged with indirect criminal contempt for violation of the Protection From Abuse Order. A copy of the complaint shall be given to the defendant;

(b) that a hearing will be held before a judge of the Court on the first available date; and

(c) that the defendant is entitled to be represented by counsel and, if unable to afford counsel and otherwise qualifies, counsel will be appointed.

D. Bail shall be set to insure defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure No. 4004 including, without limitation, the condition that the defendant not contact the petitioner or members of the petitioner's household, or anyone with whom the petitioner then resides, directly or indirectly.

E. If the defendant is not able to post bail, he shall be committed to the Beaver County Jail. Bail may be thereafter posted through Beaver County Pre-Trial Services at the earliest appropriate time.

F. The office of the District Justice shall cause the following completed forms and bail, if entered, to be forwarded immediately to the Beaver County Court Administrator's Office, Beaver County Courthouse:

(a) complaint charging a violation of the Protection From Abuse Order; (b) probable cause affidavit, if any; and (c) certificate of bail and commitment.

G. Upon receipt of papers from the District Justice, the [ **Office of the Beaver County** ] Court Administrator will forward said papers to the appropriate Judge of the Court who will set a hearing on the contempt charge at the earliest possible time.

### ACTIONS FOR SUPPORT

LR1910[ **A** ]. Procedure.

(a) Actions for support shall proceed as prescribed by Pa.R.C.P. 1910.11.

**(b) Support Motions shall be governed by LR208.3(b).**

[ **(b)** ] **(c)** A conference scheduled as a result of the filing of a complaint or petition shall be continued by the Domestic Relations Section only if the parties, or their counsel, agree thereto in writing or if an order of Court is obtained directing the same. A motion seeking such an order shall be presented [ **in Motions Court after appropriate notice of same is given to the opposing party or that party's lawyer pursuant to local rule LR208.3(a)3** ] **pursuant to LR208.3(b).**

[ **(c)** ] **(d)** A demand for de novo hearing filed after the entry of [ **an** ] **a Proposed Interim Order [ following a Domestic Relations conference should set forth the issues to be raised with specificity. A copy of the demand for de novo hearing is to be served within five days of its filing upon the opposing party or that party's counsel of record ] must be served pursuant to Pa.R.C.P. 440.**

[ **LR1910B. Appearance of Counsel.** ]

#### **(e) Appearance and Withdrawal of Counsel**

[ **(a)** ] **(1)** All counsel shall file a Praecipe for Appearance with the Domestic Relations Section, [ **which includes the attorney's name, business address, telephone and facsimile numbers, and Supreme Court identification number** ]. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not [ **be entitled to** ] receive copies of orders, notices, or other record matters.

[ **(b)** ] **(2)** Following entry of a final order [ **from the matter for which counsel entered his or her appearance as set forth in LR1910B(a)** ], counsel may withdraw his or her appearance by filing of record a praecipe to withdraw [ **to which is attached** ] **with** a certificate of service [ **on that attorney's client as well as on the opposing party or that party's counsel forthwith** ].

[ **LR1910C. Special Relief Orders.**

All motions seeking immediate relief shall be presented to the assigned Motions Judge after notice of same is given to the opposing party or that party's counsel of record pursuant to local rule LR208.3(a)3.

A copy of any such motion which is anticipated to be contested shall be delivered to the Motions Judge at least twenty four hours prior to presentation.

**LR1910D. Temporary Suspension of Order.**

**(a)** An enforcement officer of the Domestic Relations Division who suspends or adjusts any order in the absence of an order to do so, must send written notification of the suspension or adjustment, and the reason therefore, to all parties the same day that the action is taken.

**(b)** Under circumstances where it is anticipated that continuation of a support order will result in an uncollectible overpayment of that obligation any party may move the court for a suspension of the obligation in accordance with Rule L1910C.

**LR1910E. Review of Court Files. ]**

#### **(f) Review of Court Files**

Parties, and their attorneys of record [ **in the Domestic Relations action** ], may upon written request at the Domestic Relations Office view the entire file [ **maintained by the Domestic Relations Office** ], with the exception of the confidential notes of the hearing officers. No documents from the file may be removed from the Domestic Relations Office.

[ **LR1910F. Marriage Settlement Agreement and Divorce Decree.** ]

#### **(g) Marriage Settlement Agreement and Divorce Decree**

A party who wishes to terminate an alimony pendente lite obligation or to [ **initiate enforcement of** ] collect an alimony obligation in accordance with the **specific** terms of a divorce decree or a decree with marriage settlement agreement shall forward a true and correct copy of the decree to the Domestic Relations Division with a copy of the request forwarded to the opposing counsel or the opposing party if not represented by counsel. [ **Unless the decree or decree with marriage settlement agreement specifically directs collection of alimony by the Domestic Relations Division, the Domestic Relations Division will not enforce collection without a court order.** ]

### ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

LR1915[ **a. Custody (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4)** ].

**(a) Actions for custody shall be as prescribed by Pa.R.C.P. 1915.4-3.**

**(b) Custody Motions shall be governed by LR208.3(b).**

[ **1.** ] **(c) Scheduling the Custody Conference.** When filing a claim for custody or partial custody in a Complaint or a subsequent claim, the moving party shall:

[ (a) ] (1) Present the **original and one copy of the** pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order. **[ Immediately thereafter, obtain a date and time for the Conference from the Administrative Custody Judge. The Judge's Chambers will make a copy of the pleading and Order to be forwarded to Juvenile Services Division.**

[ (b) ] (2) File the original pleading and Order in the Prothonotary's Office.

[ (c) ] (3) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties **pursuant to Pa.R.C.P. 1930.4 (original process) or 440 (other than original process)**, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

[ (d) When ] (4) **Upon the filing of** a Petition for Contempt of a Custody Order **[ is filed ]**, the Judge shall schedule the Contempt Petition for a **[ Status Conference ] status conference** or **[ Hearing ] hearing** before the Court, or for a **[ Conciliation Conference ] conciliation conference** before a **[ Conference Officer ] conference officer**. **[ If a Petition for Contempt is filed at or about the same time as a Petition for Modification of a Custody Order, the Judge may order the Contempt Petition to be mediated by the Conference Officer at the same time as the Petition for Modification. If the matter is not resolved at the Conciliation Conference, the Court shall schedule a Status Conference or a Hearing on the Contempt matter, or if Exceptions are filed to the Proposed Order of Custody, the Judge may consolidate the Contempt matter with the Pre-Trial Conference and/or Trial scheduled on the Modification Petition.**

[ (e) ] (5) In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Enforcement Act, a party shall provide the Court with all known information concerning a Custody proceeding pending **or completed** in another state which involves the same parties or children.

*Note:* In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

[ (f) ] (6) All **[ Petitions ] petitions** for **[ Modification ] modification** of **[ Custody Orders ] custody orders** shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's **[ Certificate ] certificate** of **[ Completion ] completion** of the mandatory Educational Seminar as required in **[ LR1915A ] LR1915C**, as well as proof of compliance with all counseling and other services mandated in the Order sought to be modified. If such proof and the **[ Certificate ] certificate** of **[ Completion ] completion** are not attached, the Court may refuse to entertain the **[ Petition ] petition**.

[ 2. ] (d) Preliminary Objections. Any party filing Preliminary Objections raising issues of jurisdiction or venue of the Court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the **[ Judge assigned to handle Custody matters ] Administrative Judge** and to opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for **[ Argument on a priority schedule to dispose of the issues as expeditiously as possible ] argument or hearing**.

[ 3. ] (e) *Conduct of Conciliation Conference Officer.*

[ (a) ] (1) The **[ Child Custody ]** Conference Officer will convene a **[ Conciliation Conference ] conciliation conference**, as scheduled by the Court, which **[ Conference ] conference** shall be attended by the parties and their legal counsel, if any.

[ (b) ] (2) Before counsel appears before the **[ Child Custody ]** Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the **[ Conference ] conference**.

[ (c) ] (3) Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the **[ Child Custody ]** Conference Officer **[ at the Conference ]**, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled **[ Conference ] conference**. Failure to comply may, at the discretion of the **[ Child Custody ]** Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the **[ Conference ] conference** to allow the opposing party an opportunity to respond or other action deemed appropriate by the **[ Child Custody ]** Conference Officer **[, keeping in mind the Officer's need to evaluate the best interest of the child(ren) ]**.

[ (d) ] (4) The parties, counsel and the **[ Child Custody ]** Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach **an** agreement on custody and/or partial custody. The **[ Child Custody ]** Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

[ (e) ] (5) No **[ scheduled ]** Custody Conference shall be rescheduled by any party or counsel without **[ the prior expressed consent of the opposing party or counsel or ]** Order of Court **[ issued upon a Motion to Continue submitted in accordance with LR208.3(a)(3) ]**.

[ 4. ] (f) *Procedure After Conciliation Conference.*

[ (a) ] (1) If the parties reach agreement, the **[ Child Custody ]** Conference Officer shall submit an Agreed Order to the Court **[ bearing the written consents ]**, evidenced by signatures of the parties and their counsel, if any. **[ Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.**



(b) ] (2) If [ , for any reason, ] the parties do not reach agreement, the [ **Child Custody** ] Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the [ **Child Custody** ] Conference Officer, together with reasoning for the recommendations [ **and either a Proposed Order or a Temporary Order** ]. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order [ **and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel** ].

[ (c) ] (3) A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed [ **by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Temporary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the Court for a Pre-Trial Conference as provided for herein. The Court may Order, if circumstances warrant, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court** ].

[ (d) ] (4) Exceptions to the Proposed Order or Temporary Order must be in writing [ **and should state, with particularity, the portion(s) of the Order objected to** ]. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered [ **forthwith** ] to the [ **Court Administrator's Office** ] **Administrative Judge**, as well as to all counsel and/or unrepresented parties of record.

[ (e) ] (5) Failure of any party, having [ **primary or shared** ] **any form of** physical custody of a child, to appear at a scheduled [ **Conciliation Conference or Pre-Trial Conference will** ] **conciliation conference may result in the Court's entry of a proposed Final or Temporary Order or in the** scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court **or dismissal of the requested relief**.

[ (f) ] Failure of any party, not having primary physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference may result in the Court's entry of a Proposed

Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

5. ] (g) *Pre-Trial Conference.*

[ (a) ] (1) Upon receipt of the Exceptions [ **by the Court Administrator's Office** ], the Court will schedule a Pre-Trial Conference to be attended by all **parties and counsel [ and parties, whether represented by counsel or not ], if any**. [ **A Pre-Trial Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.**

(b) ] (2) No later than five (5) days prior to the date scheduled for Pre-Trial Conference, each attorney and each party not represented by counsel must file a completed Pre-Trial Information Statement, on or in a form approved by the Court [ **at the Court Administrator's Office for the presiding Judge, with copies provided to opposing counsel and/or unrepresented parties of record** ].

[ (c) ] (3) Failure of any party, having [ **primary or shared** ] **any form of** physical custody of a child, to appear at a scheduled [ **Conciliation Conference or** ] Pre-Trial Conference, [ **will** ] may result in the **the Court's entry of a proposed Final or Temporary Order or in the** scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court **or dismissal of the requested relief**.

[ (d) ] Failure of any party, not having primary physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the Circumstances. found to be present, and may result in the imposition of sanctions.

LR1915b. Reduced-Fee Program. ]

(h) *Reduced-Fee Program*

[ 1. ] (1) Any individual who is referred under Neighborhood Legal Services Association's (NLSA) Pro Bono or Reduced-Fee Programs [ **to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA to be income eligible under Legal Services regulations,** ] shall be granted leave to proceed In Forma Pauperis. Counsel [ **representing these individuals** ] shall present to the Prothonotary a Praeceptum for Permission to Proceed In Forma Pauperis, which shall be endorsed by counsel, and which shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praeceptum shall be substantially in the following form:

(CAPTION)

Praeceptum to Proceed in Forma Pauperis

To the Prothonotary: Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed In Forma Pauperis. I, {Attorney's Name}, attorney for the party proceeding In Forma Pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.



\_\_\_\_\_  
 Name of Attorney for {Plaintiff/Defendant}  
 Address  
 Telephone Number  
 Supreme Court ID Number

[ 2. ] (2) Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praeceptum for Entry of Limited Appearance shall be substantially in the following form:

(Caption)

Praeceptum for Entry of Limited Appearance

To the Prothonotary: Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. This Appearance is limited to providing representation {on the filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]}.

\_\_\_\_\_  
 Name of Attorney for {Plaintiff/Defendant}  
 Address  
 Telephone Number  
 Supreme Court ID Number

[ 3. ] (3) Upon completion of the representation under the above-described referral programs, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This Praeceptum shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance contemporaneously. This Praeceptum shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praeceptum for Withdrawal of Limited Appearance shall be substantially in the following form:

(Caption)

Praeceptum for Withdrawal of Limited Appearance Pursuant to LR1915b

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

\_\_\_\_\_  
 Name of Attorney for {Plaintiff/Defendant}  
 Address  
 Telephone Number  
 Supreme Court ID Number

[ LR1915C. Educational Seminar Pertaining to Children of Divorcing Parents. ]

***(i) Educational Seminar Pertaining to Children of Divorcing Parents***

(1) All parties to Custody Actions [ **filed on or after June 1, 1994 where the interests of children under the age of eighteen (18) years are involved,** ] shall, unless excused by the Court, complete [ **a program which we have entitled** ] **within a specified time** the Educational Seminar Pertaining to Children of Divorcing Parents (the "Seminar") **or other educational program selected by the Court.**

(2) All parties shall register for the first available [ **Seminar** ] **seminar** after the date the Defendant has been served with process. [ **Counsel for the Plaintiff shall require the Plaintiff to register for the Seminar and shall have a** ] **A** copy of the [ **attached** ] Notice and Registration Form **shall be** served on the Defendant at the same time as the Complaint. Failure of a party to successfully complete the Seminar will result in sanctions by the Court [ **, including Contempt** ].

[ LR1915d. Custody Motions.

**No motion relating to custody (Special Relief and Emergency Relief) will be entertained by the court unless counsel for the parties or any self-represented party involved shall have first conferred and attempted to resolve the issues. All such motions shall have a written certification of the moving party attached. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel or any self-represented party was unable to resolve the issues.**

**In the event counsel or self-represented party have not conferred, counsel for the moving party or the self-represented party shall certify the reason or reasons therefore.**

**In the event that both parties are self-represented and both parties are subject to a mutual Protection from Abuse Order, the parties are excluded from conferring to resolve the dispute. A Certificate of Compliance form must be attached and completed "unable to confer due to a Protection from Abuse Order."**

FORM:

CIVIL DIVISION—LAW

_____ ,	:	
Plaintiff	:	
vs.	:	No. _____
_____ ,	:	
Defendant	:	

CERTIFICATE OF COMPLIANCE FOR RULE 1915d

I certify that I have complied with Local Rule 1915d as noted below.

<input type="checkbox"/> Talked by phone	_____
	(date)
<input type="checkbox"/> Met in Person	_____
	(date)
<input type="checkbox"/> Telephoned/Left message	_____
	(date)
<input type="checkbox"/> Emailed	_____
	(date)
<input type="checkbox"/> Emergency	_____
<input type="checkbox"/> Other:	_____
	_____
<input type="checkbox"/> Domestic Violence Waiver	_____
<input type="checkbox"/> Unable to Confer because:	_____
	_____

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name ]

**LR1915.11-1. Parenting Coordination.**

Beaver County implements a Parenting Coordination program pursuant to Pa.R.C.P. 1915.11-1.

(a) *Appointment of a Parenting Coordinator.*

(1) Appointment of a Parenting Coordinator shall be considered and appointed by the Court pursuant to Pa.R.C.P. 1915.11-1.

(2) Any party seeking a reduced fee must present a Petition to Proceed in forma pauperis to the Family Court Motion Judge within (3) days of the appointment order absent good cause shown. The form can be found at: <http://www.beavercountypa.gov/Depts/Courts/LawLib/>

**(3) Should the parties' combined gross income and family size fall at or below the poverty guidelines the Parenting Coordinator's fee shall be considered for a waiver or to be paid by the County of Beaver.**

(b) *Roster of Approved Parenting Coordinators.* The roster of the Court's approved Parenting Coordinators shall be posted at the Court Administration Office located in the Beaver County Courthouse. An attorney or mental health professional seeking to be included on the Beaver County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit a letter to the Beaver County Court Administration and shall include:

(1) An affidavit attesting the applicant has qualifications found in Pa.R.C.P. 1915.11-1;

**[ (2) An acknowledgment the applicant will follow the Association of Family and Conciliation Courts (AFCC) Parenting Coordinator guidelines and has read the American Psychological Association (APA) Parenting Coordinator Guidelines; and**

**(3) ] (2)** An acknowledgment of responsibility to accept reduced fee or no fee assignments each year no more than twenty (20) hours a year, as needed. (Appointments for reduced or no fee assignments will be made on a rotating basis for all Parenting Coordinators on the Court's roster).

**[ AFCC Parenting Coordinator guidelines are posted at: <https://www.afccnet.org/>; and the APA Parenting Coordinator Guidelines are posted at: <https://www.apa.org/>.**

**(c) *Parenting Coordinator Recommendations.***

**(1) The Parenting Coordinator shall file their Summary and Recommendations with the Prothonotary and the Judge assigned to the case, or if no assignment has been made, the Family Court Administrative Judge, within two (2) days after the**

last communication with the parties on the issues in accordance with Pa.R.C.P. 1915.11-1(f). Proof of service shall be filed.

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

a) A party objecting to the Recommendations must file original Objections and a Petition for a Record Hearing with the Prothonotary and must deliver a copy to the assigned Family Court Judge, or if none, to the Family Court Administrative Judge, within five (5) days of service of the Summary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator.

b) The Objections and Petition shall be required as directed in Pa.R.C.P. 1915.11-1(f).

c) In the event Objections are filed, the Court receiving a copy of the objection shall schedule a timely proceeding.

(3) ***Court Review of Parenting Coordinator's Recommendations.*** If no objections to the Parenting Coordinator's Recommendation are filed with the Prothonotary, the Judge assigned to the case, or if none, the Family Court Administrative Judge, will review the Recommendation in accordance with Pa.R.C.P. 1915.11-1(f)(4).

(d) ***Fees.*** 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:

(1) At a rate to be determined at the time of the appointment.

(2) Absent good cause shown, each party shall pay fifty percent (50%) of the hourly fee, or the fee may be allocated as deemed appropriate by the Court. See Pa.R.C.P. 1915.11-1.

(3) Absent good cause shown, each party shall pay up to \$500.00 as an initial retainer, or the retainer may be allocated. See Pa.R.C.P. 1915.11-1.

(4) If after review of the In Forma Pauperis Petition, the parties combined gross income and family size is at or below federal poverty guidelines, the Parenting Coordinator's fee shall be considered for a waiver/reduced fee or one paid by the County of Beaver.

**(e) *Miscellaneous.***

(1) 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.

(2) 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. ]

**ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE**

**LR1920. Motions.**

**Divorce Motions shall be governed by LR208.3(b).**

**LR1920.33(b). Pre-Trial Conference.**

(1) When a divorce case which contains contested claims is at issue, either party may present to the judge

assigned to divorce matters a motion for a pre-trial conference. A party requesting a pre-trial conference must first have filed an inventory prepared in compliance with Pa.R.C.P. No. 1920.33(a); the motion requesting the pre-trial conference must so certify. **[ Advance notice must be given in accordance with LR208.3(a)(3). ]**

(2) At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge **and opposing counsel or party, if unrepresented,** a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a **[ Master ] Hearing Officer** will hear any unresolved issues.

**[ LR1920.43. Special Relief.**

**A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief in accordance with LR206.1(c). If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) business days before the request is to be presented. ]**

**LR1920.51. Proceedings Before [ Master ] Hearing Officer.**

If a party seeks to continue a hearing or other proceeding which has been set by the **[ Master ] Hearing Officer**, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the **[ Master ] Hearing Officer** shall be presented to the judge who appointed the **[ Master ] Hearing Officer** in accordance with **[ LR208.3(a)(3). ] LR208.3(b).**

**LR1920.55-2. Exceptions to a [ Master's ] Hearing Officer's Report.**

Counsel or an unrepresented party who files exceptions to a **[ Master's ] Hearing Officer's** Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the **[ Master ] Hearing Officer**.

**LR1930.5(b). Discovery in Domestic Relations Matters.**

**Written discovery in all divorce cases shall be limited to a combined total of 50 interrogatories, including subparts, and 15 requests for production / admissions, unless leave of court to seek additional discovery is first secured for cause shown.**

**MINORS AS PARTIES**

**LR2039A. Approval of Compromise and Settlement by the Court.**

The Court may approve the compromise, settlement or discontinuance of an action filed on behalf of a minor or an action in which a minor has interest without a hearing provided that the petition complies with LR2039B. Should the Court determine that a hearing is necessary, the Petition will be entertained pending the hearing. **If there is an existing civil docket, the Petition shall be**

**presented as a civil motion; if not, the Petition shall be presented as an Orphan's Court motion.**

**LR2039B. Content of Petition.**

A petition for leave to compromise, settle or discontinue an action in which a minor is a party, or an action in which a minor has an interest shall set forth:

- [ (a) ] (1) the facts out of which the cause of action arose;
- [ (b) ] (2) the elements of damage sustained;
- [ (c) ] (3) all expenses incurred or to be incurred, including the counsel fees requested;
- [ (d) ] (4) the facts relied upon by the adverse party; and,
- [ (e) ] (5) all circumstances relevant to the propriety of granting the petition including any significant medical reports and records.

**INCAPACITATED PERSONS AS PARTIES**

**LR2064. Approval of Compromise and Settlement of the Court.**

The procedure to secure Court approval of the compromise and settlement of actions in which incapacitated persons have an interest shall be governed by LR2039A and LR2039B.

**ACTIONS FOR WRONGFUL DEATH**

**LR2206. Approval of Compromise and Settlement of Actions for Wrongful Death.**

The procedure to secure Court approval of the compromise and settlement of an action for wrongful death in which a minor or incapacitated person has an interest shall be governed by LR2039A and LR2039B.

**DEPOSITIONS AND DISCOVERY**

**LR4002. Place of Depositions.**

Unless counsel for all parties agree otherwise, all discovery depositions shall take place in Beaver County. Depositions for use at trial may be taken outside Beaver County upon agreement of counsel or leave of court.

*Note:* It is contemplated that depositions will take place in the office of counsel for a party so long as the office is located in Beaver County.

**LR4011. Limitation of Scope of Written Discovery and Deposition.**

[ A. ] (a) Written discovery in all civil cases shall be limited to 30 written interrogatories, 10 requests for admission, and 15 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown and except in those cases governed by Pa.R.C.P. 1930.5 (domestic relations matters) and [ **personal injury** ] claims under LR1301A et seq. (compulsory arbitration).

[ B. ] (b) In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule LR1301A et seq. (compulsory arbitration) shall be limited in personal injury claims to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown. In cases governed by Rule LR1301A et seq. (compulsory arbitration) which do not involve personal injury claims, discovery shall be [ **governed by LR4011A and LR4011C** ] **limited to 10 written interrogatories, 5 requests for admission, and 5 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown. Unless otherwise ordered by the Court for cause shown, or by agreement of the parties, there shall be no discovery depositions permitted in cases governed by Rule LR1301A et seq. (compulsory arbitration).**

[ C. ] (c) In order to avoid unreasonable annoyance or expense, unless otherwise ordered by the Court for cause shown, or by agreement of the parties, discovery depositions shall be limited to 1 1/2 hours in length with an additional 1/2 hour per each additional party. The total accumulated time allotted each side for all discovery depositions shall not exceed five (5) hours.

**FORM A**

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA  
CIVIL ACTION

_____ ,	:	
Plaintiff	:	
vs.	:	No. _____
_____ ,	:	
Defendant	:	

**PLAINTIFF'S ARBITRATION DISCOVERY REQUESTS FOR PERSONAL INJURY CLAIMS**

These discovery requests are directed to \_\_\_\_\_ .

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

**IDENTITY OF DEFENDANT(S)**

1. Set forth your full name and address.



INSURANCE

- 2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

- 4. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes \_\_\_\_\_ No \_\_\_\_\_ .

(d) If you answered yes, attach each of these documents. I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(d).

MEDICAL DOCUMENTS

- 5. (a) Do you have any medical documents relating to the plaintiff? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If you answered yes, attach each of these documents. I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 5(b).

CRIMINAL CHARGES

- 6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.
- (c) Were you ever convicted of a crime that involved dishonesty or false statement, whether by verdict, or by plea of guilty or nolo contendere? Yes \_\_\_\_\_ No \_\_\_\_\_
- (d) If you answered yes, list the charge you were convicted of, the court where the conviction was entered and the date of the conviction.

Defendant verifies the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

FORM B

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA  
CIVIL ACTION

_____ ,	:	
Plaintiff,	:	
vs.	:	No.
_____ ,	:	
Defendant.	:	

DEFENDANT'S ARBITRATION DISCOVERY  
REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to \_\_\_\_\_ .

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF PLAINTIFF(S)

- 1. Set forth your full name and address.

WITNESSES

2. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

## STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)
- I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 3(b).
- (c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes \_\_\_\_\_ No \_\_\_\_\_ .
- (d) If you answered yes, attach each of these documents. I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 3(c).

## MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received any inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If you answered yes, list the names of the hospitals, the names and addresses of the attending physicians, and the dates of hospitalization.
- (c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_
- (d) If you answered yes, list the name and address of each chiropractor and the dates of treatment.
- (e) Have you received any other medical treatment not covered by the previous interrogatories for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_
- (f) If you answered yes, list the names and addresses of each physician or other treatment provider and the dates of treatment.
- (g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in response to interrogatories 4(b), 4(d) and 4(f) or authorizations for these records.
- I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(g).

## OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five (5) years prior to the incident to the present date.
- (b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital or medical office within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_
- (c) If you answered yes, attach a separate sheet which lists the name and address of the hospital or medical office, the date of each treatment, the reasons for the treatment, and the length of the hospitalization.
- (d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_
- (e) If you answered yes, attach a separate sheet which lists the chiropractor's name and address, the dates of the treatment, and the reasons for the treatment.
- (f) Have you received any other medical treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_
- (g) If you answered yes, attach a separate sheet which lists the name and address of the medical treatment provider, the dates of the treatment, and the reasons for the treatment.
- I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with requests 5(c), 5(e) and 5(g).

## WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?
- (b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.
7. If a claim is being made for lost income, state the following information:
- (a) the name and address of your employer at the time of the incident;
- (b) the name and address of your immediate supervisor at the time of the incident;
- (c) your rate of pay;
- (d) the dates of work loss due to the injuries from this alleged accident; and
- (e) the total amount of your work loss claim.

## OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workers' Compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P.S. § 1719(b)? Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) If you answered yes, set forth the type and amount of these benefits.

## INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P.S. § 1705(a) and (b)?  
 \_\_\_\_\_ Limited Tort Option (no claim is made for nonmonetary damages)  
 \_\_\_\_\_ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P.S. § 1705(d)(1)—(3) applies).

\_\_\_\_\_ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option.") Describe each vehicle (make, model and year) in your household.

(c) (Applicable only if you checked "Full Tort Option.") Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 9(c).

Plaintiff verifies the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: \_\_\_\_\_ Plaintiff

**LR4017.1. Use of Videotape Depositions at Trial.**

The trial judge may refuse permission to use a videotape deposition at trial if either the audio or video portions of the tape are of poor quality. Prior to offering a videotape deposition of a witness at trial, counsel for the proponent of the deposition shall file a certification that he or she has reviewed the videotape and that both the audio and the video portions thereof are of good quality. Failure to comply with this rule may result in the refusal of permission to use the videotape at the time of trial.

Material to which objection has been sustained shall be excluded at trial by "fast forward" by the video machine operator so as to eliminate both the image and the sound of the objectionable material. A copy of the stenographic transcript of the deposition shall be delivered to the court stenographer with redacted portions, if any, clearly marked, before the close of the parties' case in which the deposition was utilized.

*Note:* The videotape should be marked as an exhibit and physical custody thereof remain with counsel for the proponent subject to surrender to the court upon order to do so pursuant to L.R. 223.

**[ LR4019. Discovery Motions.**

**No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.**

**In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.**

**LR4020. Use of Depositions at Trial.**

**Objections made during the taking of depositions or intended to be made at trial pursuant to Pa.R.C.P. No. 4020(c) shall be submitted to the court for ruling thereon prior to the first day of the trial term.**

**The proponent of the deposition shall petition the court to assign the case to a judge of the court for trial for the purpose of review and ruling on all objections.**

***Note:* This rule is designed to make more efficient use of juror time by avoiding the need to preview depositions while venire persons are present and waiting to be selected. However, the rule is not intended to prevent the judge to whom the case is assigned for trial to elect to preview depositions immediately prior to jury selection or to elect to rule on objections as the testimony is being presented to the jury.]**

**REAL ESTATE ASSESSMENT APPEALS**

**[ Rule 8000 ] LR8000.** Definitions.

The following rules shall apply to all appeals from a real estate tax assessment determined by the Beaver County Board of Assessment [ **Revision** ] **Appeals** or its Auxiliary Board. These rules shall apply to all appeals taken following their effective date, and may be applied as appropriate to any pending appeals ninety (90) days after the effective date.

Definitions:

*Appeal*—An appeal from the Beaver County Board of Assessment [ **Revision** ] **Appeals** or Auxiliary Board as defined in the Consolidated County Assessment Law, 53 Pa. Con. Stat. § 8854.

*Board*—The Beaver County Board of Assessment Appeals.

*Commercial Property*—Any property, whether vacant or occupied, whose purpose is to generate income for its owner, or is otherwise designated in the tax assessment records as commercial, industrial, and/or agricultural in use.

*Date of Notification*—The date of the Board's decision.

*Party*—Appellant, the Board, and any other person or entity entitled to notice of the appeal.

*Property Owner*—The record owner of the property as set forth in the Recorder of Deeds Office, reflecting the most recent deed of record.

*Taxing Authority*—Any county, city, borough, town, township, school district, or other public corporation having power and authority to levy taxes on the assessment of the real estate in question.

*Verified*—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa. Con. Stat. § 4904 relating to unsworn falsification to authorities.

**[ Rule 8000.1 ] LR8000.1.** Real Estate Tax Assessment Appeal.

(a) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned “Petition for Real Estate Tax Assessment Appeal” or “Petition for Real Estate Tax Exemption Appeal” and filed with the Prothonotary within the time prescribed by statute. A copy of the appeal shall be provided to the Court Administrator.

(b) The Petition shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(2) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(3) Name and address of the taxpayer(s), and any other party to the appeal.

(4) Nature of and reasons for the appeal.

(5) Reference to the decision of Beaver County Board of Assessment [ **Revision** ] **Appeals** or its Auxiliary Board (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board’s notice of decision shall be attached as an exhibit to the petition.

(6) Reason(s) for the appeal. The petition shall identify whether the challenge is based on fair market value, base year value, and/or a constitutional challenge based on uniformity.

(7) A verification in accordance with Pa.R.Civ.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(c) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses, and any other party, in the manner prescribed by Pa.R.Civ.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Beaver County.

(d) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(e) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(f) All appeals shall be subject to Pa.R.Civ.P. 1012, 1023.1, and 1025 as amended.

(g) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(h) No appeal may be withdrawn without consent of all other parties, or leave of court.

(1) In the event the matter is settled between the parties, the parties shall within seven (7) days of reaching a settlement execute a Stipulation to Settle in accordance with FORM 8000.1(h)(1) and within seven (7) days of execution of the Stipulation to Settle the appellant shall file a praecipe to settle and discontinue with the Prothonotary and deliver copies of both the Stipulation and the praecipe to the Court. Thereupon the Court will enter an Order in accordance with FORM 8000.1(h)(1). No leave of Court is required if the parties agree to settle.

*Note:* The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. *In re Mackey*, 687 A.2d 1186 (Pa. Commw. Ct. 1997).

**[ Rule 8000.2 ] LR8000.2.** Intervention.

(a) Any taxing authority not named as a party may intervene as a matter of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as “Intervenor” in the caption, and shall set forth that such identified party is intervening. The notice shall provide an address for the intervenor, unless simultaneously filed with an entry of appearance for counsel.

(c) Intervenor shall serve copies of Notice of Intervention on all parties in accordance with Pa.R.Civ.P. § 440.

(d) Within ten (10) days of filing of Notice of Intervention, the intervenor shall file a verified proof of service.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

**[ Rule 8000.3 ] LR8000.3.** Discovery.

(a) Except as otherwise provided by this Rule, discovery shall be by leave of court only for cause shown. Nothing in these rules shall prohibit an agreement among the parties regarding discovery not otherwise authorized by these rules.

(b) In all cases involving commercial property, the taxing authorities may serve a copy of Tax Assessment Appeal Discovery Requests in accordance with FORM 8000.3 on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests as set forth in Local Rule 8000.5.

(c) Any discovery disputes, including, without limitation, any motions for protective order or motions to compel, shall be presented upon proper notice to the judge assigned to the case.

(d) A party may inspect the property at a reasonable time(s) upon the condition that such party provides written notice of the inspection no less than fifteen (15) days prior to the property owner, if unrepresented, or the counsel of record for the property owner. If the property



owner objects to the inspection or the time for inspection set forth in the notice, the property owner shall file written objections to such inspection and present such objections to the assigned judge.

*Note:* In the absence of a statewide rule, local rule, or order of court, it is within the sound discretion of the trial court whether to permit or refuse discovery in tax assessment appeals. *Tanglwood Lakes Community Association v. Pike County Board of Assessment*, 642 A.2d 581 (Pa. Commw. Ct. 1994).

**[ RULE 8000.4 ] LR8000.4. Consolidation.**

(a) The Court on its own motion, or on the motion of a party, may consolidate real estate tax assessment appeals involving properties that are similarly situated. The properties must be located within the same municipality and school district.

(1) A motion to consolidate shall be determined in accordance with Pa.R.Civ.P. 213.

(2) If the Court grants a motion to consolidate real estate tax assessment appeals, it shall enter a case management order setting forth all pretrial deadlines.

**[ RULE 8000.5 ] LR8000.5. Pretrial Procedure.**

The Court shall hold Initial Case Management Conferences for all real estate tax assessment appeal cases on dates and times set by the Court.

(a) For all new filings in real estate tax assessment appeal cases:

(1) The Prothonotary shall assign the case to a judge using the Infocon system.

(2) An Initial Case Management Conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on a date to be determined by the Court.

(3) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 8000.5A and shall set forth suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, and a proposed date for a pre-trial conference.

(4) At the time of the case management conference, the Court may, after consultation with the parties, issue a case management order assigning the case to the residential property case management track pursuant to LR8000.5(b), the non-residential property case management track pursuant to LR8000.5(c), submit the case to a **[ master ] hearing officer** for disposition pursuant to LR8000.6, 8000.7, 8000.8, and 8000.9, or enter a case management order setting forth specially-set deadlines for discovery, the filing of dispositive motions, the exchange of expert reports, and the scheduling of a pre-trial conference.

(b) If assigned to the residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

(1) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the pretrial conference, all counsel and the parties, or a designated representative, shall be present.

(2) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(3) Each party of record shall file a Pretrial Memorandum within one hundred and twenty (120) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(4) The Court Administrator shall schedule a conciliation conference within one hundred and eighty (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the **[ master ] hearing officer**.

(5) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

(c) If assigned to the non-residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

(1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.

(2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.

(3) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the conference, all counsel and the parties, or a designated representative, shall be present.

(4) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(5) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(6) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the case management conference. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority

to settle. The conciliation conference may be the same day as the hearing before the [ master ] hearing officer.

(7) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

FORM 8000.5A  
(COVER SHEET WITH CAPTION)

1. LR8000.5A REAL ESTATE TAX ASSESSMENT APPEAL SUMMARY  
NATURE OF THE CHALLENGE

Please set forth the general nature and reasons for the appeal.

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2. PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS

Are there any pending or anticipated preliminary objections or motions for judgment on the pleadings in this case?  
Yes \_\_\_\_\_ or No \_\_\_\_\_

If yes, please provide more detail:

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3. SUGGESTED DATES

Set forth suggested dates for the following:

- a. Date by which fact discovery should be completed:
- b. Date by which expert reports should be exchanged:
- c. Dates by which dispositive motions and responses thereto should be filed:
- d. Dates proposed for pre-trial conference:

4. ALTERNATIVE [ MASTER ] HEARING OFFICER DISPOSITION

The parties shall state reasons, if any, why the case should not be submitted to a [ master ] hearing officer.

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[ RULE 8000.6 ] LR8000.6. Appointment of [ Master ] Hearing Officer.

The court may hear the testimony, or, upon its own motion, may appoint a [ master ] hearing officer with respect to all or any of the matters involved in the real estate tax assessment or tax exemption appeal to issue a report and recommendation. The order of appointment shall specify the matters which are referred to the [ master ] hearing officer. The [ Master ] hearing officer shall be compensated on an hourly basis in a manner to be determined by the Court.

Note: The Court possesses the inherent authority to appoint a [ master ] hearing officer to assist it in performing its various functions, including the production of advisory opinions regarding tax assessment appeals. *Appeal of 322 Blvd. Associates*, 600 A.2d 630 (Pa. Commw. Ct. 1991).

[ RULE 8000.7 ] LR8000.7. Hearing by [ Master ] Hearing Officer. Report.

(a) The Court Administrator shall schedule any proceedings before the [ master ] hearing officer and shall cause notice to be provided to all the parties in accordance with FORM 8000.7.

(b) A record shall be made of all proceedings before the [ master ] hearing officer. Any requests for transcription shall be in accordance with the Pennsylvania Rules of Judicial Administration governing court reporting and transcripts.

(c) In an action which has been referred to a [ master ] hearing officer, the [ master's ] hearing officer's report shall include findings of fact, conclusions of law, and a recommended disposition of the case.

(d) The [ master's ] hearing officer's report and recommendation shall be filed, and the Prothonotary shall

serve a Notice and copy to all counsel of record and any unrepresented party by regular mail in accordance with FORM 8000.7(d).

(e) Any exhibits admitted into evidence before the [ **master** ] **hearing officer** are part of the court record, and shall be maintained with the official court record in the appropriate filing office.

[ **RULE 8000.8** ] **LR8000.8.** Hearing by [ **Master** ] **Hearing Officer**. Report. Objections. Transcript.

(a) Any party may file objections to the report and recommendation of the [ **master** ] **hearing officer** within thirty (30) days of the filing of the report and recommendation. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that a transcript of all proceedings before the [ **master** ] **hearing officer**, or necessary portions of the transcript, have been requested from the Court Administrator.

(1) Any request for a transcript shall be governed by the applicable Pennsylvania Rules of Judicial Administration pertaining to court reporting and transcripts.

(2) If no trial transcript is filed within sixty (60) days of the date the Objections were filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within the time period, then a court order shall be issued overruling the objections with prejudice in accordance with FORM 8000.8(a)(2).

(b) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall file a Brief in Support of Objections. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(c) If no brief is filed within twenty (20) days of the date the transcript is filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel or a party if not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice in accordance with FORM 8000.8(c).

*Note:* If a Brief in Support of Objections has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

(d) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, all responding parties shall file their Briefs in Opposition to Objections.

(e) If no Brief in Opposition is filed and served within twenty (20) days, the Court Administrator shall send the opposing party a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter in accordance with FORM 8000.8(e).

(f) A copy of any brief filed shall be served on all counsel of record, a party if unrepresented, the Court Administrator, and the Court.

*Note:* If a Brief in Opposition has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

[ **RULE 8000.9** ] **LR8000.9.** Decision. Final Order. No Post-Trial Motions.

(a) Within five (5) days after the filing date set for the Briefs in Opposition to Objections has passed, the objecting party shall notify the Court that the matter is ripe for decision by filing a notice that the matter is ripe for decision in accordance with FORM 8000.9(a). A copy of the notice shall be served on all counsel of record, a party if unrepresented, and the Court Administrator.

(b) Upon the filing of the notice defined in subsection (a), the Court may schedule oral argument on the objections, or enter a final order based on the briefs and record alone.

(c) In the event that none of the parties file objections as described above, the report and recommendation of the [ **master** ] **hearing officer** shall become the final order of court.

(d) There shall be no motions for post-trial relief to a final order of court.

[ **RULE 8000.10** ] **LR8000.10.** Real Estate Tax Exemption Appeals.

(a) Real estate tax exemption appeals shall be governed by the same rules as real estate tax assessment appeals; provided, however, that Local Rules 8000.3 and 8000.5 shall not be applicable.

(b) Real estate tax exemption appeals from decisions of the Board shall be subject to the provisions pertaining to discovery in the Pennsylvania Rules of Civil Procedure.

[ **RULE 8000.11** ] **LR8000.11.** Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.

(a) If at any time during the course of an appeal filed pursuant to Local Rule 8000, et seq., ownership of the property at issue is transferred, changed, or altered in any way, the new property owner listed of record in the appeal is required to file notice of the transfer/change/alteration with the Prothonotary. The notice shall provide the following information:

(1) The name(s) and addresses(es) of the new record owner(s) of the property;

(2) The type of transfer/change/alteration (e.g., property sold); and

(3) The date of the transfer/change/alteration.

(b) Failure to file notice within thirty (30) days of the transfer or change shall be grounds for termination of the appeal and a discontinuance of the matter.

*Note:* See Pa.R.Civ.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.Civ.P. 440 for the requirements of service of legal papers.

[ **RULE 8000.12** ] **LR8000.12.** Repealer.

These Rules shall repeal and replace current LR8000 and LR8001 in their entirety.

**FORMS**

**FORM L8000.1(h)(1). Stipulation to Settle.**

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: .....

From the Beaver County Board of Assessment Appeal

Tax ID No. ....

School District: .....

Municipality: .....

Property of: .....

Property Address: .....

Intervenor .....

WHEREAS, the Appellant(s) filed an appeal to this Honorable Court of the assessment set for the above referenced property by the Board of Assessment Appeals of Beaver County.

WHEREAS, based upon the risk and hazards of litigation, the parties have decided that it is in their best interest to settle the above-captioned matter based upon the terms and conditions outlined in this Stipulation to Settle.

NOW, THEREFORE, the undersigned, intending to be legally bound and to bind their respective clients, agree to the following settlement. After further review by all parties, it was agreed the assessment shall be as follows:

1. Commencing on \_\_\_\_\_, for the County and Township taxes, and \_\_\_\_\_, for the School taxes, the assessment shall be set based on a fair market value of \$ \_\_\_\_\_ and an assessed value of \$ \_\_\_\_\_ for tax year \_\_\_\_\_.

2. In determining the assessed value of the property, the County Assessment Office shall use a Common Level Ratio of \_\_\_\_\_ %.

3. The parties agree that the Court should enter an Order in the form attached setting the assessed value as herein above set forth and ordering that the case be marked settled, discontinued, and ended.

4. The Appellant shall pay the appropriate fee, payable to the Prothonotary of Beaver, for the discontinuance of this action. Payment shall accompany the filing of this stipulation.

5. If the docket is not settled within ten (10) days of the settlement date set forth in this Stipulation, Appellant shall appear as scheduled by the Court. Settlement of the docket shall cancel this hearing.

6. This Stipulation can be executed in counterparts.

on behalf of the Municipality

on behalf of the County

on behalf of the Taxpayer

on behalf of the School District

**FORM L8000.1(h)(1). Order.**

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: .....

From the Beaver County Board of Assessment Appeal

Tax ID No. ....

School District: .....

Municipality: .....

Property of: .....

Property Address: .....

Intervenor .....

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon review of the Stipulation of Settlement among the parties, attached hereto, it is hereby ORDERED, ADJUDGED and DECREED that the stipulation to settle the appeal is approved; and

It is further ORDERED that the Beaver County Board of Assessment Appeals shall establish the fair market value for assessment purposes on the Beaver County Tax Parcel Number \_\_\_\_\_ to be \$ \_\_\_\_\_ and the assessed value from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ as of \_\_\_\_\_, for County and Municipal taxes, and \_\_\_\_\_, for School District taxes; and



It is further ORDERED that, upon receipt of the appropriate filing fee from the Appellant, the Prothonotary of Beaver County is to mark the above case, settled, discontinued, and ended. If the docket is not settled within ten (10) days of the settlement date set forth the parties' Stipulation, Appellant shall appear before the court on the \_\_\_\_\_ day of at 9:00 o'clock a.m. in courtroom \_\_\_\_\_. Settlement of the docket shall cancel any hearing on the Petition for Appeal.

BY THE COURT:

\_\_\_\_\_ J.

**FORM L8000.3. Tax Assessment Appeal Discovery Requests.**

(CASE CAPTION, INCLUDING DOCKET NUMBER)

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 8000.3 and 8000.5, all applicable responses to these Requests must be furnished within forty-five (45) days after the receipt of these Requests.

REQUESTS FOR DOCUMENTS

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.
2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.
3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.
4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.
5. Any and all taxes, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.
6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.
7. Any and all soil tests or mineral evaluations, permits or permit requests, requests relative to a zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.
8. Any and all federal and state income tax returns and audited financial statements with respect to the subject property within the last three years.
9. Any and all corporate or partnership prospectus or private placement memorandum that contains any reference to the value of the subject property within the last three years.
10. Any and all insurance policies and/or binders covering the subject property, its building contents, any building or any business located thereon from the last three years.
11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.
12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvement(s) and the completion date(s).
13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

**FORM L8000.3. Tax Assessment Appeal Discovery Requests.**

INTERROGATORIES

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date: .....

Signature

**FORM L8000.7. Notice.**

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: .....

From the Beaver County Board of Assessment Appeal

Tax ID No. ....

School District: .....

Municipality: .....
Property of: .....
Property Address: .....
Intervenor .....

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, upon consideration of the within Real Estate Tax Assessment Appeal Petition, the Court appoints a [ Master ] Hearing Officer to hear the Assessment Appeal.

IT IS ORDERED THAT the within Real Estate Tax Assessment Appeal Petition will be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ on the \_\_\_\_ th Floor Hearing Room of the Beaver County Courthouse.

A Real Estate Tax Assessment Appeal status report, in the form set forth as attached hereto, shall be filed with Court Administration no later than 10 days prior to the hearing.

Any continuance of the Real Estate Tax Assessment Appeal hearing must be obtained upon motion presented to the assigned Judge.

A copy of this Order shall be served on all parties and intervenors of record. Should this matter settle before the Real Estate Tax Assessment Appeal date, please notify Court Administration via facsimile at 724 \_\_\_\_\_. You will be required to file a Praecipe to Settle and Discontinue within 10 days.

COURT ADMINISTRATOR

FORM L8000.7. Real Estate Tax Assessment Appeal Status Report.

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: .....

From the Beaver County Board of Assessment Appeal

Tax ID No. ....

School District: .....

Municipality: .....

Property of: .....

Property Address: .....

Intervenor .....

REAL ESTATE TAX ASSESSMENT APPEAL STATUS REPORT

Appellant's Counsel Name & Phone No. ....

FAX No. ....

Board of Assessment Appeal/County of Beaver

Counsel Name & Phone No.

FAX No. ....

Intervenor(s)' Counsel Name & Phone No.: .....

FAX No. ....

Status of Settlement negotiations: .....

Anticipated total length of Hearing—(counsel should consult with all sides to provide a reliable estimate of time because other hearings may be scheduled to follow the time allotted for your case).

Other considerations that the court needs to be aware of concerning the scheduling of a hearing time:

NOTICE: Any continuance requested after the scheduling of a hearing time for your Real Estate Tax Assessment Appeal hearing as per Beaver County L.R.C.P. LR8002 will require a motion before the Court.

Date: .....

Signature .....
(legal counsel or party, if unrepresented)

**FORM L8000.7(d). Notice.**

(CAPTION INCLUDING DOCKET NUMBER)

**NOTICE**

Pursuant to the provisions of 72 P.S. § 502—518. 1(c) and Local Rule 8000.7, attached is the Report of the [ **Master** ] **Hearing Officer**.

Any party objecting to the Report shall file Objections with the Beaver County Prothonotary within thirty (30) days of the receipt of this Notice. A copy of the Objections must be accompanied by a certification of counsel or of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Administrator’s Office. Copies of the Objections and certification shall be served on the Court Administrator and on all counsel of record, or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the [ **Master** ] **Hearing Officer** will be adopted as the final Order of Court.

PROTHONOTARY

Dated: .....

**FORM L8000.8(a)(2). Letter.**

Re: [case name and docket number] Dear [Objecting Party]: .....

It has been sixty (60) days since you filed your Objections to the [ **Masters** ] **Hearing Officer’s** Report in the subject case and no trial transcript has been filed with the Court Administrator, Civil Division. You must contact this office and order the transcript of the proceedings and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 8000.8.

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter. A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

**FORM L8000.8(a)(2). Court Order.**

[CAPTION INCLUDING DOCKET NUMBER]

**ORDER OF COURT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated \_\_\_\_\_ was mailed by the Court Administrator’s office to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter, and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8, the objections in this case are overruled with prejudice.

BY THE COURT:

\_\_\_\_\_ J.

**FORM L8000.8(c). Letter.**

Re: [case name and docket number]

Dear [Objecting Party]: .....

It has been twenty (20) days since the transcript in the referenced case was filed with the Court Administrator, Civil Division. Pursuant to Local Rule 8000.8, your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

**FORM L8000.8(c). Court Order.**

[CAPTION INCLUDING DOCKET NUMBER]

**ORDER OF COURT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated \_\_\_\_\_ was mailed by the Court Administrator to the objecting party, this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of

the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8 the objections in this case are overruled with prejudice.

BY THE COURT:

\_\_\_\_\_ J.  
**FORM L8000.8(e). Letter.**

Re: [case name and docket number]

Dear [Opposing Party]: .....

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.

Very truly yours,  
Court Administrator

**FORM L8000.9(a). Notice that Matter is Ripe for Decision.**

CASE CAPTION, INCLUDING DOCKET NUMBER  
NOTICE THAT MATTER IS RIPE FOR DECISION

AND NOW, comes (name) and notifies this Honorable Court, pursuant to Local Rule 8000.9, that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections \_\_\_\_\_ has \_\_\_\_\_ has not been filed (please check appropriate line) been filed.

Date: ..... (Signature) .....

[Pa.B. Doc. No. 23-1114. Filed for public inspection August 18, 2023, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CUMBERLAND COUNTY**

**Local Rule 1302-5; Civil Term; CP-21-MD-000020-2022**

**Order**

And Now, this 7th day of August, 2023, effective September 1, 2023, Rule 1302-5 of the Cumberland County Rules is amended to read as follows:

**Rule 1302-5.** Unless otherwise ordered by the court, following the filing of the award, the Chairman of the Board of Arbitrators shall be paid the sum of \$200.00. Other members of the Board shall be paid the sum of \$150.00. In the event that the appointment of the Board is vacated, the Chairman shall be entitled to an administrative fee as ordered by the Court.

*Note:* Formerly Local Rule 407.

Adopted May 15, 1981, effective May 15, 1981, amended April 17, 1984, effective June 4, 1984.

Amended May 13, 1988, effective June 1, 1988.

Amended January 2, 1991, effective February 1, 1991.

Amended January 3, 2011, effective January 3, 2011.

Amended February 2, 2012, effective February 2, 2012

Amended August 7, 2023, effective September 1, 2023

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to admin.rules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporation of the local rule into the set of local rules on www.cumberlandcountypa.gov within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 23-1115. Filed for public inspection August 18, 2023, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [ 25 PA. CODE CH. 77 ]

#### Noncoal Mining Clarifications and Corrections

The Environmental Quality Board (Board) amends Chapter 77 (relating to noncoal mining). This final-form rulemaking provides updates and clarifications for the requirements for mining noncoal minerals in this Commonwealth.

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

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information contact Sharon Hill, Environmental Program Manager, Bureau of Mining Programs, P.O. Box 8461, Rachel Carson State Office Building, 5th Floor, 400 Market Street, Harrisburg, PA 17105-8461, (717) 787-5015, or Richard Marcil, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, 9th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8504. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board," and then navigate to the Board meeting of April 11, 2023).

#### C. *Statutory Authority*

This final-form rulemaking is authorized under section 11(a) of the Noncoal Surface Mining Conservation and Reclamation Act (act) (52 P.S. § 3311(a)), which authorizes the Board to promulgate regulations as it deems necessary to carry out the provisions and purposes of the act; section 5 of The Clean Streams Law (35 P.S. § 691.5); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to adopt rules and regulations necessary for the performance of the work of the Department.

#### D. *Background and Purpose*

Chapter 77 was finalized in 1990 to implement the act. Since 1990, the Department's experience implementing the noncoal mining regulatory program has uncovered several issues that require clarification of the regulations in Chapter 77. Many of these amendments are administrative in nature.

The Department worked with the Aggregate Advisory Board to develop these regulations. The Aggregate Advisory Board is comprised of the Secretary of the Department, three aggregate surface mining operators, four members of the public from the Citizens Advisory Council, one member from county conservation districts, one Senate member from the majority party, one Senate member from the minority party, one House member from the majority party and one House member from the minority party. The Department's interaction with the

Aggregate Advisory Board on this rulemaking began in October 2018 with a discussion of concepts at a Regulatory, Legislative and Technical (RLT) committee meeting. After several RLT committee meetings throughout 2019 and 2020, on May 6, 2020, the Aggregate Advisory Board voted to concur with the Department's recommendation that the proposed rulemaking proceed in the regulatory process. The Department presented the draft final-form rulemaking to the Aggregate Advisory Board on November 3, 2021, and February 1, 2023. The Aggregate Advisory Board voted unanimously to recommend that this final-form rulemaking proceed after suggesting the Department add language to clarify the applicability of civil penalties in the cessation order subsection of § 77.293(a) (relating to penalties). The Board incorporates this language as suggested by the Aggregate Advisory Board.

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

##### § 77.1. *Definitions*

Several definitions are amended and two new terms are defined. "Insignificant boundary correction" is added to identify the changes to permit boundaries that may require a major permit revision as described in § 77.141 (relating to permit revisions). "Local government" is defined to be used in several sections to describe the entities that must be notified of applications or actions. Clarifications are included for the definitions of "noncoal minerals" and "noncoal surface mining activities." In particular, the phrase "ancillary and customary" was added to the latter definition to encompass non-extractive activities that normally occur within the mining permit boundaries in support of the mining activity, such as crushing, bagging or equipment storage. The definition of "noxious plants" is amended to update the citation of the law relating to noxious plants. The definition of "related party" is amended to include a director of a corporation and members and managers of limited liability companies. A correction is made in the definition of "sedimentation pond."

##### § 77.51. *License requirement*

Subsections (c)(1) and (e) are amended to include a director of a corporation and members and managers of limited liability companies as parties that need to be identified in an application for a mining license and as parties who will be considered in evaluating the eligibility for holding a mining license. The amendments are included since limited liability companies have become more common in the years since 1990. These changes are also consistent with the amendment to the definition of "related party" in § 77.1 (relating to definitions).

Subsection (f)(2)(i) is amended to delete the statement about the Department notification 60 days prior to expiration and to require the submission of a mining license renewal application at least 60 days before the current license expires to be consistent with section 5(a) of the act (52 P.S. § 3305(a)).

##### § 77.107. *Verification of application*

This section is amended to eliminate the requirement for an application to be attested by a notary or district justice. Most notably, this update will facilitate the transition to electronic submission of applications.

##### § 77.108. *Permit for small noncoal operations*

Subsection (f) is amended to add transfers to the list of applications that are exempt from the requirement for

public notification in a newspaper. This will make it clear that permits for small operations may be transferred. Because transfers were previously omitted from the list, it has been unclear whether these permits are transferable as § 77.144 (relating to transfer of permit) requires newspaper public notice. This created confusion because it is inconsistent that a new permit for a small operation would be exempt from the newspaper public notice, but the transfer of the same permit would be subject to the newspaper public notice requirement.

Subsection (m) is amended to add reference to the regulatory requirement that an applicant must hold a mining license for the permit to be issued.

§ 77.109. *Noncoal exploration activities*

Noncoal exploration activities have caused confusion for operators because they may be authorized in various ways depending on the circumstances of the exploration. Exploration is included in the definition of “noncoal surface mining activities” in § 77.1, which suggests that it must be authorized under a permit. However, exploration may be conducted by drilling or by excavation. Exploration may be allowed by drilling upon notice to the Department. Exploration by excavation may be authorized by a permit or through acknowledgment by the Department of a permit waiver.

In this final-form rulemaking, § 77.113 (relating to permit waiver—noncoal exploration drilling) is added to establish the requirements for exploration by drilling while § 77.109 (relating to noncoal exploration activities) is amended to establish requirements for exploration activities using means that include excavation. These amendments will distinguish the two forms of exploration activity from one another and provide clarity to the regulated community.

Subsection (a) is amended to clarify that a written notice must be provided to the Department for anyone who intends to conduct noncoal exploration in an area outside of an existing noncoal surface mining permit and to make reference to proposed § 77.113. This section also lists the permit or waiver authorization options for exploration by excavation.

Subsection (b) is amended to modify what information must be included in the noncoal exploration notice to the Department. Specifically, the revisions add a requirement for contact information for a representative from the entity preparing to explore and clarify that it is the amount to be removed for testing that is to be reported in the notice. Also, requirements are added to the notice relating to what environmental protection measures are proposed to be implemented to prevent any adverse impacts to the environment from exploration activities and relating to a blast plan if explosives are needed to conduct the exploration.

The regulatory provisions in subsection (c) are moved to § 77.113 since that section relates to exploration by drilling. Subsection (c) is reserved.

Subsection (e) is amended with new language that sets threshold amounts for a permit waiver related to exploration activities. A permit can be waived when minerals will be removed to determine if the material is suitable for some commercial purpose. If found to be suitable, the operator will then pursue a mining permit. Two threshold amounts have been established with this final-form rulemaking—20 tons and 1,000 tons. These thresholds were identified through discussions with the Aggregate Advisory Board RLT committee. A permit waiver may be granted for noncoal exploration activities where less than

20 tons of material (approximately one truckload) will be removed. This minimum amount of material is used to determine commercial viability of the mineral resource in several cases. Additional justification is not needed. If the applicant proposes to extract more than 20 tons, then a justification for the estimated amount must be provided. The maximum amount will not exceed 1,000 tons, and this upper limit is not intended to be the “default” amount that can be removed under the exploration waiver. The justification must be related to the amount of material needed to provide valid test results for commercial use of the aggregate materials. The 1,000-ton maximum was identified by industry stakeholders in accordance with the Department of Transportation specifications for aggregate producer certification (Bulletin 14). Bulletin 14 states that a 200-ton minimum of processed and stockpiled material is the source for qualification samples for each aggregate size. Large quarry operations can produce multiple sizes and, consequently, multiple stockpiles of 200-tons each. From the proposed rulemaking to this final-form rulemaking, a comma was added after “prior to beginning exploration” for clarity.

Subsection (e.1) describes the factors considered by the Department in evaluating a waiver request. In subsection (e.1)(2), language is amended from the proposed rulemaking to this final-form rulemaking to clarify that existing or designated uses of the receiving streams are evaluated for adverse effects resulting from exploration activities.

Subsection (h) deletes the reference to the restoration to a slope not exceeding 35 degrees. This slope requirement is no longer necessary due to the limited amount of material that may be removed without a permit. This results in a reclamation standard of approximate original contour.

Subsection (k) is added to require compliance with Chapters 210 and 211 (relating to blaster’s license; and storage, handling and use of explosives) for those exploration projects that require the use of explosives.

Designators for subsections and paragraphs throughout this section are amended from the proposed rulemaking to this final-form rulemaking to conform with the Legislative Reference Bureau’s rule prohibiting reuse of designators.

§ 77.113. *Permit waiver—noncoal exploration drilling*

Section 77.113 is added to provide separate requirements for exploration conducted through drilling. This section includes the concepts currently in § 77.109(c). Subsection (a) allows for exploration to be conducted 10 days after notice to the Department unless the Department requests more information to assure compliance or if the exploration is planned for areas within the distance limitations established in § 77.504 (relating to distance limitations and areas designated as unsuitable for mining). Subsection (b) establishes a performance standard for sealing the drill holes and allows for drill holes to remain open to serve a purpose, such as to be used as a monitoring well or water well.

Subsection (b) is amended from the proposed rulemaking to this final-form rulemaking to replace the words “provided that” with “if” in conformance with the *Pennsylvania Code and Bulletin Style Manual* rules.

§ 77.121. *Public notices of filing of permit applications*

Subsection (a) is amended to require each local government (that is, the city, borough, incorporated town or

township) where the operation is located be included in the local newspaper public notice required at the time of filing an application.

Subsection (c) is amended to require use of certified mail rather than registered mail for notice of a proposed permit to the property owners within the proposed permit area. Registered mail is not necessary because it is not essential to track the progress of the mailing, whereas certified mail provides the benefit of documenting receipt of the notice.

Subsection (d) is amended to modify when the Department will publish notice in the *Pennsylvania Bulletin* of the proposed activities based on the Department's acceptance of the application rather than upon receipt. This eliminates unnecessary notices for applications that are returned and not accepted for review by the Department. The change in reference to the permit is also clarified by eliminating the modifier "complete" which is no longer needed because an application must be complete to be accepted.

Subsection (e) is amended in a similar fashion to subsection (d) relating to the acceptance of the permit application and also to specify that the notice required under this subsection must be in writing. Also, the newly defined term "local government" replaces "city, borough, incorporated town or township," and the requirement for the notice to be sent by registered mail is eliminated. Registered mail is not necessary because it is not essential to track the progress of the mailing, whereas certified mail provides the benefit of documenting receipt of the notice. This will also facilitate the use of electronic notices, where appropriate. The contents of the notice are also updated to reflect the new term "local government" in subsections (e) and (f).

#### § 77.123. *Public hearings—informal conferences*

Subsection (a)(2) is amended to change the reference from § 77.121(d) (relating to public notices of filing of permit applications) to § 77.121(e). This is a correction of an error. The reference is for identifying those parties who should be notified when an application is submitted. Section 77.121(e) lists these parties.

Subsection (b) is amended to set the public hearing or informal conference due date based on the close of the comment period rather than on when the request was received. This eliminates the need to have multiple hearings if more than one request is received at different times during the public comment period.

Subsection (e) is deleted and reserved from the proposed rulemaking to this final-form rulemaking. The language is moved to subsection (g). This subsection is amended to describe the report that summarizes comments received during a public hearing or informal conference. This report, which will include Department "findings," will be publicly available on the Department's web site instead of distributed only to those persons who attended. The deadline for providing the report is contemporaneous with the permit decision for ease of public distribution, although it may be available prior to a final permit action being taken.

#### § 77.128. *Permit terms*

Subsection (b) is amended to change the time frame for when a permit terminates from 3 years to 5 years. The 5-year term is included so the term of the mining permit will be synchronized with the National Pollutant Discharge Elimination System (NPDES) permit, where applicable. NPDES permits have a term of 5 years. This

subsection is also amended to allow extensions through the permit renewal process. This ensures that updated information is provided before extending the permit beyond the 5-year period.

#### § 77.141. *Permit revisions*

Subsection (b) is deleted and reserved to eliminate the requirement for submission of a major permit revision at least 180 days before undertaking the change. This time frame is unnecessary, because the Department has found that often these revisions can be acted upon more quickly than 180 days. With this change, the applicant must plan the timing of their application based on the complexity of the application rather than on a flat time frame.

Subsection (c) is amended to add a reference to § 77.105 (relating to application contents) to describe what constitutes a complete application for revision and to add "modules" to paragraph (2) to make it clear that only the portions of the application relating to the revision must be included. Paragraph (2) is also amended to correct the typographical error where "the acts" should be "the act."

Subsection (d) is amended to delete "complete" from the description of the application since this is redundant with the previous subsection.

Subsection (e) is amended to clarify how an application for a revision that is adding acreage for support activities will be reviewed and adds an exception from this review for insignificant boundary corrections. Specifically, the reference to "the same procedures as an application for a new permit but will be a revision to the existing permit" is intended to allow for a permit to be revised when additional acreage for support activities are needed and to avoid the need for a smaller adjacent permit where plans have changed. The procedures relating to a new permit assure that the environmental impacts are fully vetted prior to approval of the revision. For example, the original application would have been evaluated for the potential impacts to nearby properties. Since the added area would not have been reviewed from this perspective, the additional area must be evaluated to determine if there could be any additional potential impacts for the proposed revision.

Subsection (f) is amended similarly as the previous subsection, but specific additional considerations are identified for the review of revisions to add acreage for mineral extraction, including the effect on hydrologic balance, the relation to the existing operation and reclamation plan, and the practicality of approving a new permit for the additional area. For example, the application for the addition would have been evaluated for the potential impacts to water supplies. Since the added area would not have been reviewed from this perspective, the additional area must be evaluated to determine if there could be any additional potential water supply impacts for the proposed revision.

Subsection (g) is added to provide cross references to the requirements for public notice and compliance with the existing permit. This subsection also adds the requirement that each major revision may be subject to providing current environmental resources information and a review of the bond liability.

Subsection (h) is added to identify the circumstances where the Department may require a major permit revision. These include unanticipated substantial impacts to public health, safety or environment. The impacts included are described as unanticipated and substantial. The intent is to make it clear that a permit revision is not



required for impacts that were planned for in the original permit and that the impact must rise to the level of being substantial as opposed to an incidental impact. For example, a highwall failure resulting in encroachment upon areas where mining is prohibited or limited would meet the criteria of being unanticipated and substantial, requiring a major permit revision, while a highwall failure that can be easily remediated within the existing permit area is unanticipated, but it is not substantial and therefore would not require a major permit revision. Another example that illustrates the intent of this requirement is where mining is being conducted in an area prone to the development of karst features. Many of the potential impacts can be predicted based on modeling as part of an application—these impacts would not be unanticipated. However, if sinkhole development as a result of the mining occurs beyond the predicted area of influence, then this would likely require a major permit revision. Another category that may trigger the requirement for a major permit revision is when the permittee must change their plans from what was presented in the application and approved by the Department. This is intended to capture major operational changes or alterations of the post-mining configuration of the reclamation as compared with the approved plans.

Designators for subsections throughout this section are changed from the proposed rulemaking to this final-form rulemaking to conform with the Legislative Reference Bureau's rule prohibiting reuse of designators.

§ 77.142. *Public notice of permit revision*

Section 77.142 (relating to public notice of permit revision) is amended to add subsections (b) and (c). This necessitates the lettering of the existing single section as subsection (a). Subsection (a) includes three revisions. First, in paragraph (1)(iii), "the addition of reclamation fill" for surface mining activities is added as an example of the change in type of reclamation that would be subject to the notice requirements of § 77.121. Second, the phrase "but are not limited to," is inserted and permit area additions are added to the examples of a physical change to the mine configuration in paragraph (1)(iv). Third, the phrase "but are not limited to" is also inserted and permit area additions are again added to the examples of a physical change to the mine configuration in paragraph (2)(ii).

Subsection (b) is added to include new mining or support as subject to public notice if the revision includes a lateral or vertical change in the plans. Some large quarries that pump groundwater are limited with respect to the depth to which they are authorized to mine (and pump). For example, where mining is planned for decades, it is not possible to predict the potential hydrologic impacts as the quarry goes deeper with the initial application. The operation may be approved to mine in vertical increments to allow for the reassessment of the hydrologic conditions systematically after a particular depth has been reached. More robust predictions can be made based on the updated hydrologic data available after the initial mining has been conducted as to the potential effects of deepening the operation. This vertical incremental approval necessarily includes further public participation because of the potential off-site impacts of pumping large amounts of groundwater. The reference to lateral changes is intended to include areas added to the footprint of the permit area only. This subsection also excludes incremental approvals within the previously approved permit area from the notice requirement. This

is due to the fact that the environmental impacts of these areas have already been evaluated as part of the initial application review.

Subsection (c) is added to clarify that unaffected areas to be deleted from the footprint of the permit may be approved without public notice. This also includes areas that have been disturbed only by exploration by drilling.

Subsection (c) is amended from the proposed rulemaking to this final-form rulemaking to replace the words "provided that" with "if" in conformance with the *Pennsylvania Code and Bulletin Style Manual* rules.

§ 77.143. *Permit renewals*

Subsection (b)(2) is amended to delete the reference to "a new application" and to cross reference § 77.141, which relates to permit revisions. This is intended to clarify that the addition of area to a permit is not integral to a renewal, but constitutes a permit revision.

Subsection (b)(2) is amended from the proposed rulemaking to this final-form rulemaking to correct the cross-references to § 77.141(e) and (f).

Subsection (b)(8) is amended to change "send copies of its decision to" to "notify" and append "of the Department's decision" to clarify the requirement.

§ 77.144. *Transfer of permit*

In the proposed rulemaking, subsection (a) was amended to rephrase the statement of the purpose of this section. In this final-form rulemaking, the language is not being amended and will remain as written to align with the *Pennsylvania Code and Bulletin Style Manual* rules.

Subsection (b) is amended to clarify that name changes, including those changes which result from a conversion in corporate entity, do not subject a permit to the transfer requirements. In the case of a name change, it is still the same entity holding the permit. Conversions of corporate entity provide the resulting entity with the same permit rights that the previous form of entity had.

Subsection (c) is amended to clarify that Department approval is required for a transfer to be effective. Paragraph (4) is amended to include the exception of small noncoal permits, which are not subject to newspaper public notice, from the public notice requirement to transfer a small noncoal permit. The inclusion of this exception clarifies that a small noncoal permit may be transferred.

§ 77.224. *Special terms and conditions for collateral bonds*

Subsection (c)(2) is amended to delete the \$100,000 maximum amount for certificates of deposit. This insurable amount has been revised by the agencies responsible for this and could be subject to further revision. Therefore, it is not appropriate to retain the amount in the regulations. Also, the applicable agency names are spelled out rather than using the acronyms.

§ 77.231. *Terms and conditions for liability insurance*

Subsection (b) is amended to add that the insurance is written on an occurrence basis. Generally, insurance can be written on either a claims-made or occurrence basis. With claims-made insurance, the claim must be filed during the term of the insurance coverage. With occurrence coverage, claims may be filed as long as the damage occurred during the course of the insurance coverage. This is particularly important for the kinds of impacts



associated with mining, because the impacts are not instantaneous and may take some time to manifest themselves.

Subsection (d) is amended to clarify that notification by the insurer to the Department be made whenever changes occur affecting the adequacy of the policy, including cancellation.

Subsection (e) is amended to increase the coverage limits for insurance. Section 5(c) of the act specifies that the amount of insurance be prescribed by regulation. The current limits have been in place since the regulations were finalized in 1990. The increase in limits is intended to reflect the increase in costs over time. The numbers are consistent with the requirements that are in place for coal mining.

Subsection (h) is amended to delete “solely” in describing the certificate holder. There are circumstances where other parties may also be a certificate holder.

§ 77.242. *Procedures for seeking release of bond*

Subsection (g)(2) is amended to correct the erroneous reference to subsection (e), which relates to the inspection of the reclamation work. The correct reference is subsection (f), which relates to the subject of the subsection, public hearings and informal conferences.

§ 77.291. *Applicability*

This section is amended to refer to the act and The Clean Streams Law (35 P.S. §§ 691.1—691.1001). This amendment is included because there are many types of violations which violate both the act and The Clean Streams Law. This amendment makes it clear that penalties for these violations will be assessed using the same procedures. The terms “the environmental acts and the act” were deleted because this subchapter is specific to civil penalty procedures only under the act and The Clean Streams Law. The procedures would not apply to other environmental acts that may be cited; in these cases, the regulations implementing those other statutes would describe the respective procedures.

Subsection (b) is amended from the proposed rulemaking to this final-form rulemaking to delete the reference to subsection (b) of section 605 of The Clean Streams Law (35 P.S. § 691.605) because both subsections apply to civil penalties.

§ 77.293. *Penalties*

Subsections (a) and (b) are amended to add the language “of the act or any rule, regulation, order of the Department or a condition of permit issued under the act” because these requirements are explicitly stated in the act and to clearly state what violations are covered.

Subsections (a) and (b) are amended from the proposed rulemaking to this final-form rulemaking to add that up to \$10,000 per day for each violation of The Clean Streams Law will be applied for cessation orders under subsection (a)(2) and may be applied for civil penalties under subsection (b)(3). This clarifies the penalties that could be applied if those civil penalties are assessed under both statutes listed in § 77.291 (relating to applicability). For clarity, subsection (a)(3) is added to list the existing substantive provision regarding the \$750 daily civil penalty involving a failure to correct a violation separately.

§ 77.301. *Procedures for assessment of civil penalties*

Subsection (a), which relates to the notice of a proposed assessment, is amended to change three things: the notice method from registered mail to certified mail, the dead-

line for service from 30 days to 45 days and the trigger to be the issuance of the enforcement action. Registered mail is not necessary because it is not essential to track the progress of the mailing, whereas certified mail provides the benefit of documenting receipt of the notice. The deadline for the proposed assessment is extended to allow for more time to establish an appropriate initial penalty amount. This will also assist in managing the Department’s workload while maintaining timeliness to assure due process. The existing regulation has the time trigger as the Department’s knowledge of the violation. This is amended because it is not always possible to document the first knowledge of a violation. It is more appropriate to use the date of the enforcement action as this is a date that will always be easily identified.

Subsection (d)(2) is amended to eliminate the registered mail alternative and to correct the typographical error of “in” instead of “on” in the description relating to the site identification sign, which is required to have the permittee’s address on it.

§ 77.410. *Maps, cross section and related information*

Subsection (a)(11) is amended to use the newly defined term “local government” instead of municipality or township. The amendment for subsection (a)(13) corrects a typographical error.

§ 77.531. *Dams, ponds, embankments and impoundments—design, construction and maintenance*

Subsection (a) is amended to update the name of the Natural Resources Conservation Service, which was formerly known as the Soil Conservation Service.

§ 77.532. *Surface water and groundwater monitoring*

Subsection (c) is amended to change Chapter 92 to Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) because Chapter 92 was reserved and replaced with Chapter 92a several years ago.

§ 77.562. *Preblasting surveys*

Several references to “preblast surveys” are amended to “preblasting surveys” to be consistent with other references in this subchapter.

§ 77.563. *Public notice of blasting schedule*

The reference to “preblast survey” is amended to “preblasting survey” to be consistent with other references in this subchapter.

§ 77.564. *Surface blasting requirements*

Subsection (f) is amended to clarify the maximum airblast limit of 133 decibel level (dBL) and to allow exceptions to that maximum value under certain conditions. This clarification results in the removal of the specific limit from the main paragraph and the creation of subsection (f)(1.1). Existing subsection (f)(1) is reserved and renumbered as (f)(1.2). Subsection (f)(1.2) is amended to change “lower” to “alternative” to be consistent with requirements in Chapter 211 (relating to storage, handling and use of explosives) that allow for an exception for a higher air blast level to be approved for noncoal permits. See § 211.151(d) and (e) (relating to prevention of damage or injury). In some limited instances, a higher air blast level may be appropriate where it is clear that the controlling structure will not be subject to damage with the higher threshold. This amendment allows for either a decrease or increase in the air blast level based on site-specific circumstances. The factors that the Department must consider in evaluating alternatives in-

clude potential damage and whether the alternative will create or mitigate a public nuisance.

Although it does not occur very often, occasionally there are buildings located close to mining operations that are engineered structures (which are more robust and would not be subject to damage from vibrations) but are not owned by the mining permittee. In those cases, a higher air blast level may be allowed if it is determined that the higher air blast level will not damage the building and not cause annoyance to the building's occupants. Air blast attenuates over distance. If a higher than 133 dBL air blast level is granted, an evaluation of the attenuation of the air blast is conducted and, if necessary, based on distances from blasting, additional seismograph monitoring is required to ensure that the 133 dBL regulatory limit is not exceeded at other buildings or structures.

Designators for paragraphs in this subsection are amended from the proposed rulemaking to this final-form rulemaking to conform with the Legislative Reference Bureau's rule prohibiting reuse of designators.

Subsection (i) is amended to change the reference to a peak particle velocity of 2.0 inches per second to be to the z-curve, which is Figure 1 in § 77.562 (relating to preblasting surveys). This change makes the requirements more internally consistent.

Subsection (k) is amended to correct the description of the time interval to be used in determining the maximum weight of explosives that could be used. The reference in this subsection to "any 8 millisecond or greater period" is incorrect. The inclusion of "or greater" is incorrect and results in the weight of explosives used in the entire blast needing to be considered in the formula. In addition, the formula term "d" is currently omitted in the description of the formula, so the amendment inserts "d" where it is needed. Also, in this subsection, the denominator in the formula is changed from 50 to 90. This is consistent with the requirements in Chapter 211.

#### § 77.565. *Records of blasting operations*

Several amendments are included for the requirements for the blast records. This is primarily an effort to provide consistency with blast record requirements in § 211.133 (relating to blast reports). In paragraphs (10) and (11), "in pounds" is inserted for the weight of explosives, because the scaled distance formula requires the weight to be in pounds. These requirements are consistent with the requirements in § 211.133, subsection (a)(14) and (15), respectively. In paragraphs (11) and (12), "8 millisecond or less" is inserted, because the scaled distance formula is based on this time period. This is consistent with § 211.133(a)(15). Paragraph (16) is amended to insert "total quantity and" so that the number of detonators will be reported. This is consistent with § 211.133(a)(23). Paragraph (17) is amended to be more descriptive of what needs to be included in the sketch of the blast. This is consistent with § 211.133(a)(9). Paragraph (19) is amended to include three instances where "seismographic" is replaced with "seismograph." Paragraphs (22), (23) and (24) are added to include the scaled distance, the location of the seismographs and the type of circuit, respectively. These requirements are consistent with § 211.133, subsection (a)(19), (2) and (16), respectively.

#### § 77.593. *Alternatives to contouring*

Paragraph (1)(i) is amended to change "is likely to" to "can." This is intended to clarify the justification needed for the alternative to contouring. The former phrase is somewhat speculative, where the latter is more concrete. Paragraph (1)(vi) is amended to clarify the requirement.

Paragraph (2) is amended to correct the error in reference to "subsection (a)" since there is no subsection (a).

#### § 77.618. *Standards for successful revegetation*

Subsection (a)(2) is amended to change the reference of "United States Department of Agriculture Soil Conservation Service" to "Natural Resources Conservation Service" because this agency changed its name several years ago.

#### § 77.654. *Cleanup*

This section is amended to correct "cleanup" to be two words.

#### § 77.655. *Closing of underground mine openings*

This section is amended to correct the error where two of the items were run together in subsection (a)(1)(iii). The item "to prevent access to underground workings" is deleted from this subsection and appended in this section as subsection (a)(1)(v).

#### § 77.807. *Change of ownership*

The section is amended to correct the typographical error where "chance" should be "change."

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

Notice of the public comment period on the proposed rulemaking was published at 51 Pa.B. 1519 (March 20, 2021). The 45-day public comment period opened on March 20, 2021, and closed on May 4, 2021. The Board received comments from four commentators during the public comment period, as well as the Independent Regulatory Review Commission (IRRC), which submitted comments on June 3, 2021. Comments and responses are separated by subject and summarized as follows. Detailed responses to all public comments are provided in the comment and response document that accompanies this final-form rulemaking.

#### *Exploration*

IRRC and a commentator suggested amendments to the rule will result in disparate regulation based on the weight of material excavated during exploration. There was also a request to explain how the 200-ton minimum requirement as specified in Bulletin 14 relates to the 1,000-ton upper threshold.

In response, the Board acknowledges there are various permit authorizations for noncoal exploration depending on the exploration circumstances. Section 77.1 includes exploration in the definition of "noncoal surface mining activities," therefore, exploration activity is still subject to the environmental protection performance standards established in the regulations. Exploration can occur through several methods, including drilling. However, drilling does not generate substantial disturbances that necessitate reclamation. Exploration activities are required to maintain the distance limitations, protecting streams and wetlands as required by § 77.109(f). In addition, § 77.109(h) requires reclamation through grading to approximate original contour and revegetation. This is the same reclamation standard as those activities conducted under a permit.

Regarding thresholds, a permit waiver may be granted for noncoal exploration activities where less than 20 tons of material (approximately one truckload) will be removed. This minimum amount of material is used to determine commercial viability of the mineral resource in several cases. Additional justification is not needed for removal of this minimum amount. Section 77.109(d)(2) requires justification by the applicant for any amount

above the 20-ton threshold. The maximum amount will not exceed 1,000 tons, and this upper limit is not intended to be the “default” amount that can be removed under the exploration waiver. The justification must be related to the amount of material needed to provide valid test results for commercial use of the aggregate materials. A primary commercial use for aggregate materials mined in this Commonwealth is for construction of roadways, and aggregate specifications are set by the Department of Transportation. The 1,000-ton maximum was identified by industry stakeholders in accordance with Bulletin 14, which is a publication for aggregate producers that establishes the Commonwealth’s framework for testing and classifying aggregate type (for example, fine vs. coarse) and quality. Bulletin 14 states that a 200-ton minimum of processed and stockpiled material is the source for qualification samples for each aggregate size. Since mining operations often produce multiple sizes of aggregate, more than one test is typically needed during exploration. Consequently, multiple stockpiles of 200-tons may be produced during exploration activities. The threshold of 1,000 tons will allow operators to conduct up to five tests on different 200-ton piles. Therefore, the operator’s scope for exploration is tied to the anticipated use of the material. By using the two stated thresholds of 20—1,000 tons, the Department creates a structure for sufficient extraction of material while minimizing both the extent of earth disturbance and the burden on the operator. This size threshold provides a discrete upper limit to the amount of mined aggregate that may be extracted without a permit for testing purposes and is rationally related to the bare minimum tonnage needed to adequately test the mined aggregate.

IRRC and a commentator expressed concern that the rule will generate unreclaimed excavation areas with steep slopes, posing a danger to the public. The Board notes that the regulations do not allow areas impacted by exploration to remain unreclaimed. Section 77.109(h) requires reclamation through grading to approximate original contour and revegetation, which is more protective because it creates a higher standard of reclamation to protect the public health, safety and welfare.

IRRC also asked why exploration avoids only wetlands, but not streams, ponds or springs per § 77.109(g)(3). In response, wetlands are singled out because they are not otherwise protected elsewhere in the exploration regulations. Streams are specified in the distance limitations referred to in § 77.109(f), so they must also be avoided. Ponds and springs are protected to the extent they are used as water supplies.

#### *Permit activation period*

IRRC and a commentator questioned why the Board proposed to change the permit activation period from 3 years to 5 years and requested an explanation for this change and how it protects the public health, safety and welfare and is in the public interest.

The Board believes there is a misunderstanding of the permit activation requirements. Currently, if a permittee does not initiate mining activities within 3 years, the permittee must request an extension. This involves an administrative process where the permittee must justify the request to maintain their permits with legitimate business reasons, such as responding to unexpected market demands. The decision to grant or deny an extension is based on a review of the operator’s justification. Under § 77.131 (relating to progress report), a mine operator is required to provide notice to the Department within 90 days of when the site is activated. This facilitates track-

ing of the site’s status and provides the opportunity for the Department to conduct an inspection as the operation begins. Extending the activation period to 5 years ensures that the application materials, including environmental or hydrologic changes, will be updated with the 5-year renewal. This process includes a review of the potential impacts of the mining based on contemporaneous conditions in the vicinity of the mine site.

#### *Permit revisions*

IRRC and some commentators noted that the amendments allow operators to add support acreage to existing permits as a major revision, as opposed to the current practice that requires a new permit. The commentators expressed concerns that permit revisions and modifications are reviewed under less stringent standards and are issued more frequently than original permit applications, resulting in less intensive environmental safeguards. IRRC and some commentators also asked about the effects of permit revisions relating to other environmental features like streams and wetlands.

In response, in this final-form rulemaking, the Board adds the definition of “insignificant boundary correction,” which includes the requirement that there be no significant difference in environmental impact. Other revisions are reviewed through the same procedures as an application for a new permit. Therefore, the environmental protective standards are maintained. The review of the effect on the hydrologic balance necessarily includes the evaluation of potential impacts to streams and wetlands because these are hydrologic resources.

#### *Civil penalties*

Commentators opposed the proposed rule change in § 77.301(a) (relating to procedures for assessment of civil penalties) that will expand the time period before a civil penalty is assessed from 30 days to 45 days out of a concern that violators will not be held accountable.

The Board notes that there is a misunderstanding expressed in this comment. The 15 days of additional time for the civil penalty process to be initiated will not have any effect on the accountability of a violator with respect to civil penalties. The additional time allows the Department to better manage the workflow and establish effective penalty amounts. The civil penalty process begins with an enforcement action that notes a violation. Then a proposed penalty amount is calculated. This is the time frame reflected in the revision. After the proposed penalty is provided to the violator, they have an opportunity to request a conference. After this process runs its course, the final penalty is established. The existing 30-day time frame is particularly limiting in cases where a violation is the subject of escalating enforcement actions. In the case of notices of violation (NOV), which generally address less serious violations, a civil penalty is not assessed. However, if the violator fails to comply with requirements of an NOV, then another enforcement action (an order) will be issued. A civil penalty will be associated with this order. Under the current rule, the proposed assessment would need to be sent within 30 days of the identification of the violation noted in the original NOV. The 30-day time frame would likely be passed by the time the follow up order is issued. The proposed revisions provide the Department time to determine the most appropriate civil penalty. While the civil penalty process is triggered by an enforcement action, the civil penalty and enforcement action are managed on separate tracks. The civil penalty process has no impact on the resolution



of the enforcement action. Also, resolving the violation before the civil penalty is assessed does not stop the civil penalty process.

IRRC noted that the Board proposed to amend § 77.291 to specify the statutes for which violations of the subchapter are applicable to assessments of civil penalties. For consistency, IRRC asked if § 77.293(a) and (b)(1) should be amended to include both of the statutes contained in § 77.291.

The Board responds that the reference to The Clean Streams Law was included in § 77.291 to clarify for the regulated community that noncoal mining permits are issued under both the act and The Clean Streams Law. As a result, violation of a noncoal mining permit can be a violation of both The Clean Streams Law and the act. Section 77.293(a) and (b) are written to match the current statutory maximum civil penalties for noncoal violations allowed under the act. These requirements are not based on The Clean Streams Law. This topic was discussed with the Aggregate Advisory Board with the intent that the proposed amendments specify the requirements under the act. However, in response to IRRC's comments, the Board has added language to include information on civil penalty assessments related to The Clean Streams Law to subsection (a) on cessation orders and to subsection (b) on civil penalties. These amendments include clarifying language suggested by the Aggregate Advisory Board to specify that the penalties of subsection (a)(2) only apply when a cessation order is issued.

#### *Blasting*

IRRC asked if, under circumstances where the Department has determined that a higher air blast level may be appropriate, the Board considered amending § 77.563 (relating to public notice of blasting schedule) to require the person conducting the mining activities to inform other interested parties within close proximity of the blasting operation about the exception to the maximum dBL. IRRC also asked the Board to discuss the impact of allowing a higher threshold on the regulated community, and on residents, local governments and public utilities surrounding the blasting operation.

Two commentators also objected to allowing any upward departure from the current 133 dBL maximum air blast level to an unknown maximum because the limit prevents bodily harm and property damage and removing the limit does not meet Constitutional and other Federal and State statutory requirements. The commentators also requested that the Department revert to the existing language in § 77.564(f)(2) (relating to surface blasting requirements) to allow for lower alternative blasting levels, but prohibit higher alternative blasting levels.

The Board provides the following response. This section on alternative air blast is amended to clarify the maximum air blast limit of 133 dBL and to allow exceptions to that maximum value under certain conditions. The change of "lower" to "alternative" is made to be consistent with requirements in Chapter 211 that allow for an exception for a higher air blast level to be approved for noncoal permits. See § 211.151(d) and (e). In some limited instances, a higher air blast level may be appropriate where it is clear that the structures will not be subject to damage with the higher threshold. If a limit higher than the existing 133 dBL air blast limit is granted, an evaluation of the attenuation of the air blast is conducted and, where necessary based on distances of structures, additional seismograph monitoring would be required to ensure that the 133 dBL regulatory limit is not exceeded

at other buildings or structures. The alternative language allows for either a decrease or an increase in the air blast level that may be warranted based on site-specific circumstances including geographical considerations which may enhance air blast effects. The factors that the Department must consider in evaluating alternatives include potential damage and whether the alternative will create a public nuisance.

In response to the comments on Constitutional, Federal and State statutory requirements, the Department disagrees with the commentator's assertion that the Department would violate Federal or State constitutional law, the Federal Clean Air Act, the Federal Pollution Prevention Act, or allow a regulatory or physical taking, when it permits air blast above 133 dBL under its current regulatory structure or the modifications in this final-form rulemaking. The Commonwealth's regulatory limit (133 dBL) for air blast comes from the recommended safe limit established by the United States Bureau of Mines Report of Investigation (RI) 8485, *Structure Response and Damage Produced by Airblast from Surface Mining*. Moreover, the alternative limit provision in this final-form rulemaking does not alter the Department's obligation to consider noise from a proposed mining operation and determine if operational mining noise will constitute a public nuisance under section 1917-A of The Administrative Code of 1929 (71 P.S. § 510-17). See *Plumstead Twp. v. DER*, 1995 EHB 741, 789-90; see also *Chimel v. DEP*, 2014 EHB 957, 1000.

A commentator also requested that the Board amend § 77.564(f) to require an owner to provide written notice to the lessee of the adverse health effects linked to noise, to allow interested parties to petition the Department to specify lower maximum allowable air blast levels, and to add language requiring mining operations to minimize and abate noise. For the reasons discussed previously and in more detail in the comment and response document, the Board has not adopted the suggested language because the Commonwealth's regulatory limit (133 dBL) for air blast comes from the recommended safe limit established by the Federal government and the Department is required to protect public health and safety, as well as neighboring properties, in its implementation of the air blast regulations.

#### *Public participation*

A commentator and IRRC asserted that changing the *Pennsylvania Bulletin* notice publication date from after the date of receipt of the permit application to the date after the permit is accepted by the Department effectively shortens the time period that the public has to prepare and submit questions and comments to the Department regarding the permit application. The commentator also objected to only one hearing or informal conference being held by the Department, irrespective of the number of groups requesting a meeting based on different concerns.

In response, the Board notes that the public notice for applications is accomplished in two ways—the applicant must publish a newspaper public notice (once a week for 4 weeks, beginning at the time that the application is filed) and the Department publishes notice in the *Pennsylvania Bulletin*. The proposed change only relates to the notice in the *Pennsylvania Bulletin*. Since the newspaper public notice requirement is being maintained, the length of the public comment period is not being shortened. The proposed change is intended to avoid publishing notice in the *Pennsylvania Bulletin* for applications which are not ultimately accepted for review. Effective public participation can be achieved through one public meeting for each



application. In addition to public meetings, there are opportunities for written comments to be provided.

IRRC posed several questions relating to the notice to the public entities provided under § 77.121(e) including how the Department will confirm receipt with electronically filed applications, whether requests for public meetings will be accepted electronically, when electronic notices are not appropriate and if the mail will continue to be used for notices. In response, the Board notes that the Department is in the process of transitioning to electronic permit applications. The Department recognizes its responsibility to provide the notice and to provide documentation that the notice was provided. Certified mail will continue to be used when it is necessary to demonstrate delivery.

A commentator requested that transfers and small permits not be exempt from public notice in a newspaper and that electronic notice be used. In response, the Board notes that small noncoal permits are exempt from the public notice requirements in the existing regulations because of their insignificant potential effect upon the safety and protection of the life, health, property and the environment. However, transfer of large noncoal permits are subject to the public notice requirements and all permit decisions by the Department are published in the *Pennsylvania Bulletin*.

IRRC and a commentator note that § 77.142(c) is being added to clarify that unaffected areas to be deleted from the footprint of the permit may be approved without public notice and that the Board explains that this also includes restored areas that have been disturbed only by exploration drilling. They ask how the applicant will demonstrate that the area has not been affected by surface mining and note that the language in the annex does not mention restoration. In response, the deletion of unaffected areas that have been incidentally affected by exploration is exempt from public notice because exploration drilling creates minimal disturbance and may be conducted without a mining permit. The area is subsequently sealed, regraded and revegetated upon completion of drilling. The applicant must demonstrate that an area is unaffected by submitting new maps. These new maps are reviewed by a field inspector to confirm that the area is truly eligible prior to the approval of the request to delete an area from the footprint of the permitted area. Restoration that may be needed as a result of drilling activities is addressed under § 77.113(b).

#### Findings

IRRC and a commentator noted that the proposed rulemaking deleted the requirement in § 77.123 (relating to public hearings—informal conferences) for the Department to issue a report on the findings of the public hearing within 60 days after the hearing date. The concern was that the removal of the deadline could leave the public with no time to read or respond to the Department's report because it is issued at the same time as the permit.

IRRC also noted that the proposed language in the annex differs from the intent described in the preamble and referenced section 10(c) of the act (52 P.S. § 3310(c)) as requiring the Department to notify, within 60 days of the hearing or conference, the applicant of its decision to approve or disapprove or of its intent to disapprove. Presumably, the report under the new language would be made available to the public within this same time period. IRRC asked the Board to explain in greater detail the need for and its rationale for the proposed changes.

IRRC also noted that the amendments to § 77.123(e) appear to be inconsistent with the notification requirements under § 77.143(b)(8) (relating to permit renewals) and asked the rationale for differing notification requirements among permit applications and permit renewals.

In response, the summary report (that contains “findings”) serves three purposes. First, the report documents the public's concerns expressed during a public meeting (any public hearing or informal conference) as part of the public record to show that the Department recorded and considered the concerns voiced in the public event. Second, the report provides responses to these concerns in the context of permit application information. Third, the report explains the action taken by the Department to issue or deny the application in response to public comments and concerns.

After the public meeting takes place and the Department reviews all comments, the next action by the Department is stated in § 77.123(f), “the Department will notify the applicant of its decision to approve or disapprove or of its intent to disapprove *subject to the submission of additional information.*” (Emphasis added.) In most cases, the Department will ask the applicant to supply additional information in response to the public meeting comments.

Instead of issuing a report within a set time frame that will contain incomplete information, the Department waits until the applicant provides additionally requested information and then crafts the findings (as part of the “summary report” document) based on the final version of the application that is acted upon by the Department. Therefore, the summary report resulting from a public meeting is completed and provided to interested parties in conjunction with the permitting action.

In response to this comment, the amended § 77.123(e) is changed to “Reserved” and the amendments added instead as subsection (g) at the end of the section to better reflect the typical chronological order of steps.

A permit issuance or denial is not a “regulatory process” as stated by the commentator. The summary report is not subject to further commentary by the public. It documents previous public comments and represents a closure of the review process. The next step for engagement by any party in the permitting process would be the consideration of appeal of the permit action for which directions are provided in the decision notice issued with the permit action.

In response to the comment about the language in section 10(c) of the act, that section applies specifically to hearings or conferences on final bond release action only. Therefore, this time limit of 60 days would not apply to issuance of new or revised permits. The statute is silent regarding timelines for providing the findings or for taking a permit action in those situations even though the regulations reflect the 60-day post-public meeting for other permit actions. Section 77.242 (relating to procedures for seeking release of bond) does not refer to § 77.123 regarding public hearings. Instead, § 77.242(f) explains the public hearing procedures for bond release. In that situation, the time limitations in section 10(c) of the act would be applicable.

The Department further notes that these notification requirements are not inconsistent with the notification requirements under § 77.143(b)(8) regarding mine permit renewals. Proposed § 77.143(b)(8) stated that the Department will “notify the applicant, persons who filed objections or comments to the renewal and persons who were

parties to an informal conference held on the permit renewal of the Department's decision" to renew a mining permit. Both the current and proposed amendments to § 77.143 are silent as to any temporal requirements regarding renewals. So, to be consistent, the notification to commenters on renewals will occur in conjunction with the Department's decision.

#### *Bonding*

A commentator expressed support for the amendment to remove the maximum limit of \$100,000 for Certificates of Deposit for collateral bonds, which creates the possibility of increasing the collateral bonds to amounts that more accurately reflect appropriate bond amounts. In response, the Board notes that under the rule there will be a limit on the amount of an individual Certificate of Deposit. This limit will be the maximum insurable amount by Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation, which is currently \$250,000. This limit has no effect on the amount of bonds required as multiple certificates can be accepted.

#### *Miscellaneous*

A commentator objects to the characterization that the proposed rulemaking "has minimal impact on pollution prevention." The Board notes that revisions are primarily administrative. This is the reason the preamble describes the pollution prevention impact as minimal. For example, relating to exploration, the addition of § 77.113 implements the current requirements. The creation of the new section is intended to clarify the distinction between the requirements for when exploration involves extraction and when it is conducted strictly by drilling. Other changes made may seem to be more substantial, but are not expected to have any pollution impact. For example, the amendment to allow increased air blast limits is mitigated by the requirement that any increase must not create a nuisance.

A commentator suggested that § 77.51 (relating to license requirement) provide for a longer reporting period than 5 years preceding the data of application to have a broader view of the applicant's history with mines especially considering the long life of a mine. The Board notes that the 5-year look-back period has been effective at identifying the history of applicants and related parties. In addition to the self-reporting on an application, the Department maintains a database of mine operators and related parties that provides supplementary information considered by the Department in evaluating applications.

IRRC and a commentator asked if attained use should be added to the designated use and water quality provision in § 77.109(e)(2) and the commentator questioned if the Department considers attained use in making a determination. In response, this section is amended from the proposed rulemaking to include reference to the existing (attained) and designated uses of the stream, which may be affected by exploration. This is consistent with water quality standards in Chapter 93 (relating to water quality standards). Contrary to the commentator's assertion, the Department applies these requirements by evaluating the more stringent of the existing or designated use. Permit applications and exploration requests include the review of measure to be taken to protect the hydrologic balance of potentially affected waters.

IRRC suggested that the Board provide more detailed explanations for the revisions in the proposed rulemaking as many appear to be substantive and not simply administrative in nature. In response, the Board supplemented

explanations in the Regulatory Analysis Form (RAF) and the preamble to allow IRRC to determine if the regulation is in the public interest. Additionally, the commentators' concerns on substantive regulatory amendments are addressed directly in the comment and response document for this final-form rulemaking.

IRRC requested clarification on what ancillary and customary activities are in the context of adding the phrase to the definition of "noncoal surface mining activities" in § 77.1. The Board included the phrase "ancillary and customary" as a result of the interaction with the Aggregate Advisory Board. The phrase is intended to clarify that only activities normally conducted to support the mining activity would be included in the definition. "Ancillary" is intended to connote activities that support mining. "Customary" is intended to connote the usual or normal suite of activities. Examples of these activities include, but are not limited to, bagging, crushing, sales and storage facilities. Inclusion of these activities on the mining permit area allows the Department to better regulate potential pollution from these facilities and ensure complete reclamation upon completion of mineral extraction.

IRRC asked if the Board considered making the information in § 77.109(c) and (j)(1) available, upon request, to the public in an electronic format. The Board did consider the ability to supply this information digitally to the public. Generally, the Department makes the information requested for any permit application available in the most efficient form, and in electronic format whenever possible. Most application documentation can be submitted in or converted to digital storage formats. However, digital submittal is not mandated and not all paper applications are easily converted. The Department currently accepts some applications through the ePermitting online application and continues to expand these offerings. The transition to managing all documents in electronic form will be accomplished incrementally as the program is expanded and permits are updated.

The Board also received several comments and questions on subjects outside the scope of the proposed rulemaking. Responses are provided in the comment and response document prepared for this final-form rulemaking.

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

##### *Benefits*

The amendments in this final-form rulemaking will provide clarity to mine operators regarding compliance standards. In some cases, this will result in reduced costs. Clarity in the requirements can prevent errors in applications and improve efficiency, saving time for both operators and the Department.

##### *Compliance costs*

Very few of the new or amended requirements are likely to increase costs. One example that will increase costs is the updated insurance requirements. The increased coverage limits will increase the cost of insurance for those operators who maintain the minimum coverage amounts. However, many operators already have insurance that meets the increased coverage limits.

##### *Compliance assistance plan*

Compliance assistance for this final-form rulemaking will be provided through the Department's routine interaction with trade groups and individual applicants. There are about 1,200 licensed noncoal surface mining operators

in this Commonwealth, most of which are small businesses that will be subject to this final-form rulemaking.

*Paperwork requirements*

This final-form rulemaking does not require additional paperwork.

*H. Pollution Prevention*

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

This final-form rulemaking has minimal impact on pollution prevention since it is predominantly administrative, focused on updating regulations to reflect current requirements, amendments to Commonwealth statutes and references to citations, names and data sources.

*I. Sunset Review*

The Board is not establishing a sunset date for these regulations since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

*J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 25, 2021, the Department submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 1519, and a copy of a RAF to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees.

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

Under section 5.1(j.2) of the Regulatory Review Act, on May 17, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 18, 2023, and approved this final-form rulemaking.

*K. Findings of the Board*

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 51 Pa.B. 1519.

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

*L. Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 77, are amended by amending §§ 77.1, 77.51, 77.107—77.109, 77.121, 77.123, 77.128, 77.141—77.144, 77.224, 77.231, 77.242, 77.291, 77.293, 77.301, 77.410, 77.531, 77.532, 77.562—77.565, 77.593, 77.618, 77.654, 77.655 and 77.807 and adding 77.113 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

RICHARD NEGRIN,  
*Chairperson*

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

**Fiscal Note:** Fiscal Note 7-554 remains valid for the final adoption of the subject regulations.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 77. NONCOAL MINING**

**Subchapter A. GENERAL PROVISIONS**

**§ 77.1. Definitions.**

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

\* \* \* \* \*

*Impoundment*—A closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment or waste.

*Insignificant boundary correction*—A small or inconsequential change to the permit boundary to correct an error in mapping, surveying or other minor adjustment that results in no significant difference in environmental impact.

*Intermittent stream*—A body of water flowing in a channel or bed composed primarily of substrates associated with flowing water which, during periods of the year,



is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

\* \* \* \* \*

*Large noncoal permit*—A mining permit that authorizes the extraction of greater than 10,000 tons per year of noncoal materials.

*Local government*—A city, borough, incorporated town or township.

*Major permit revision*—A revision to a permit that requires public notice.

\* \* \* \* \*

*Noncoal minerals*—An aggregate or mass of mineral matter, whether or not coherent, that is extracted by surface mining. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite, and clay. The term does not include peat. The term does not include anthracite or bituminous coal or coal refuse, except as provided in section 4 of the act (52 P.S. § 3304).

*Noncoal surface mining activities*—The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface. The term includes strip mining, auger mining, dredging, quarrying and leaching and the surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and ancillary and customary activities related thereto. The term does not include mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term does not include the following:

- (i) The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- (ii) The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act.
- (iii) The handling, processing, or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- (iv) Dredging operations that are carried out in the rivers and streams of this Commonwealth and in Lake Erie.
- (v) The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this section, the minerals removed are incidental if the excavator demonstrates that:

(A) Extraction, handling, processing or storing are conducted concurrently with construction.

(B) The area mined is limited to the area necessary to construction.

(C) The construction is reasonably related to the use proposed for the site.

(vi) The removal and sale of noncoal materials from retail outlets.

*Noxious plants*—Species that have been included on the official State list of noxious plants for the Commonwealth under 3 Pa.C.S. Chapter 15 (relating to controlled plants and noxious weeds).

\* \* \* \* \*

*Recurrence interval*—The interval of time in which a precipitation event is expected, on the average, to occur once. For example, the 10-year, 24-hour precipitation event expected to occur on the average once in 10 years.

*Related party*—A partner, associate, officer, director, Limited Liability Company member, Limited Liability Company manager, parent corporation, subsidiary corporation, affiliate, or person by or under common control with the applicant, contractor or subcontractor.

*Sedimentation pond*—A primary sediment control structure, including, but not limited to, a barrier, dam, or excavated depression which detains water runoff to allow sediment to settle out. The term does not include secondary sedimentation control structures, such as straw dikes, riprap check dams, mulches, dugouts and other measures that reduce overland flow velocity, reduce runoff volume or trap sediment, to the extent that secondary sedimentation structures drain to a sedimentation pond.

\* \* \* \* \*

**Subchapter B. SURFACE MINING OPERATOR'S LICENSE**

**§ 77.51. License requirement.**

\* \* \* \* \*

(c) *Identification of ownership.* The application shall indicate whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity. For business entities other than single proprietorships, the application shall contain the following information if applicable:

(1) The name and address of the applicant, including partners, associates, officers, directors, Limited Liability Company members, Limited Liability Company managers, parent or subsidiary corporations.

\* \* \* \* \*

(e) *Refusal to issue or renew license.* The Department will not issue a noncoal surface mining operator's license or renew or amend a license if it finds, after investigation and an opportunity for informal hearing, that a person, partner, associate, officer, director, Limited Liability Company member, Limited Liability Company manager, parent corporation or subsidiary corporation has been subject to a bond forfeiture under the act and environmental acts or has failed to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree under the act and environmental acts. The Department will not renew a license for an operator who uses the provisions for payment in lieu of bond unless the operator submits his annual payment with the license renewal application. A person who opposes the Department's decision on issuance or renewal of a license has the burden of proof.



(f) *License renewal requirements.*

(1) A person licensed as a noncoal surface mining operator shall renew the license annually according to the schedule established by the Department.

(2) Notice of license renewal and filing of an application for license renewal shall conform to the following:

(i) The application for renewal shall be made at least 60 days before the current license expires.

(ii) If the Department does not intend to renew a license, the Department will notify the licensee, a minimum of 60 days prior to expiration of the license. This section does not prevent the Department from not renewing the license for violations occurring or continuing within this 60-day period if the Department provides an opportunity for an informal hearing.

**Subchapter C. PERMITS AND PERMIT APPLICATIONS**

**GENERAL**

**§ 77.107. Verification of application.**

Applications for permits shall be verified by a responsible official of the applicant with a statement that the information contained in the application is true to the best of the official's information and belief.

**§ 77.108. Permit for small noncoal operations.**

\* \* \* \* \*

(f) The Department will publish its decision on a small noncoal permit application and a final bond release in the *Pennsylvania Bulletin*. Permit applications, transfers and bond releases under this section are exempt from the newspaper public notice requirements of section 10(a) of the act (52 P.S. § 3310(a)).

\* \* \* \* \*

(m) An application for a small noncoal permit shall be reviewed, approved or denied in accordance with § 77.126(a)(1)—(8), (10) and (11) (relating to criteria for permit approval or denial).

**§ 77.109. Noncoal exploration activities.**

(a) A person who intends to conduct noncoal exploration outside an existing noncoal surface mining permit shall file with the Department a written notice of intention to explore for each exploration area at least 10 days prior to the start of exploration activities on forms provided by the Department. Except for drilling operations as provided for in § 77.113 (relating to permit waiver—noncoal exploration drilling), no noncoal exploration activity shall occur except as authorized by either of the following:

(1) A letter from the Department waiving the requirement for a permit.

(2) A permit issued in accordance with the act and this chapter.

(b) The notice shall include:

(1) The name, address and telephone number of the person seeking to explore.

(1.1) The name, address and telephone number of the representative who will be present at and responsible for conducting the exploration activities.

(2) A map, at a scale of 1:24,000, of the exploration area showing the extent of the exploration area and approximate locations of drill holes, exploratory pits, trenches, and excavations.

(3) A statement of the period of intended exploration.

(4) The method of exploration and types of equipment to be used.

(5) The purpose of testing.

(6) The amount of mineral needed for testing that is to be removed.

(7) A description of the practices proposed to be followed to prevent adverse impacts to the environment as a result of the exploration activities.

(8) A blast plan if explosives are to be used.

(c) [Reserved].

(d) The Department will, except as otherwise provided in § 77.124 (relating to public availability of information in permit applications), place the notices on public file and make them available for public inspection and copying during regular office hours at the established fee.

(e) To remove material from an exploration area, a person conducting noncoal exploration shall, prior to beginning exploration, obtain a noncoal mining permit under this chapter or receive a waiver from the Department. A person who receives a waiver from the Department shall still comply with the performance requirements in subsections (f)—(k). The Department may waive the requirement for a noncoal mining permit if one of the following apply:

(1) The material removed from the site will be less than 20 tons.

(2) The person conducting noncoal exploration can, to the satisfaction of the Department, justify an amount greater than 20 tons, but which may not exceed 1,000 tons.

(e.1) In granting a waiver under subsection (e), the Department will consider:

(1) The method of exploration proposed.

(2) The potential for adversely affecting water supplies, wetlands or the existing uses or designated uses of streams.

(f) A person who conducts noncoal exploration activities will observe the distance limitations under § 77.504 (relating to distance limitations and areas designated unsuitable for mining).

(g) Exploration activities shall be conducted to accomplish the following:

(1) To minimize environmental impacts on roadways and vegetation.

(2) To provide erosion controls for excavated areas, including access roads, in accordance with Chapter 102 (relating to erosion and sediment control).

(3) To avoid disturbance of wetland areas.

(h) The areas affected by the noncoal exploration shall be graded to approximate original contour within 30 days after completion of exploration, and will contain no depressions which will impound water. Drill holes shall be sealed under § 77.503 (relating to casing and sealing of drilled holes). The affected areas shall be revegetated within the first planting season after completion of exploration.

(i) Noncoal exploration activities shall be subject to the applicable inspection and enforcement provisions of the Department, and Subchapters E and F (relating to civil penalties for noncoal mining activities; and enforcement and inspection).

(j) Information will be made available to the public as follows.

(1) Except as provided in paragraph (2), information submitted to the Department under this section will be made available for public inspection and copying at the appropriate district mining office.

(2) Information which pertains only to the analysis of the chemical and physical properties of the mineral (except information regarding the mineral or elemental content that is potentially toxic to the environment) will be kept confidential and will not be made a matter of public record.

(k) Blasting in connection with noncoal exploration activity must comply with the requirements of Chapters 210 and 211 (relating to blaster's licenses; and storage, handling and use of explosives).

**§ 77.113. Permit waiver—noncoal exploration drilling.**

(a) Drilling that is done solely for the purpose of exploration where only the drilled material is removed from the site does not require a permit. Exploration by drilling methods may proceed 10 days after the notice of intent to explore is received by the Department except if the following applies:

(1) The applicant is notified by the Department to provide additional information to assure compliance with the environmental acts.

(2) The area is located within the distance limitations of § 77.504 (relating to distance limitations and areas designated unsuitable for mining).

(b) Drill holes must be sealed upon completion or finished as specified in the exploration plan. Drill holes may be used as monitoring wells or water wells if the wells are properly constructed and developed for their intended purposes.

**REVIEW, PUBLIC PARTICIPATION, ITEMS AND CONDITIONS OF PERMIT APPLICATIONS**

**§ 77.121. Public notices of filing of permit applications.**

(a) At the time of filing an application with the Department, an applicant for a permit, transfer, renewal or revision under § 77.142 (relating to public notice of permit revision) shall place an advertisement in a local newspaper of general circulation in the locality of the proposed noncoal mining activities once a week for 4 consecutive weeks. The advertisement shall contain the following information:

(1) The name and business address of the applicant.

(2) The local government and county in which the operation is located. If the operation spans multiple jurisdictions, then each local government and county shall be listed.

\* \* \* \* \*

(c) During the public notification period, the applicant shall notify each property owner within the proposed permit area, by certified mail, of the proposed permit except for surface landowners who have a completed Consent of Landowner form submitted with the application.

(d) Upon acceptance of an application for review, the Department will publish notice of the proposed activities in the *Pennsylvania Bulletin*.

(e) Upon acceptance of an application for review, the Department will notify, in writing:

(1) Each local government in which the activities are located.

(2) Federal, State and local government agencies with jurisdiction over or an interest in the area of the proposed activities.

(f) The content of the notice shall include:

(1) The application numbers.

(2) The name and business address of the applicant.

(3) Each local government and county in which the operation is located.

(4) The receiving streams.

(5) A brief description of the operation and the location.

(6) The location where a copy of the application may be inspected.

(7) Where comments on the application may be submitted.

**§ 77.123. Public hearings—informal conferences.**

(a) A person having an interest that is, or may be, adversely affected may request in writing that the Department hold a public hearing or an informal conference on an application for a permit. The request shall:

(1) Briefly summarize the issues to be raised by the requestor at the public hearing or informal conference.

(2) Be filed with the Department within 30 days after the last publication of the newspaper advertisement placed by the applicant under § 77.121(a) (relating to public notices of filing of permit applications) or within 30 days of receipt of notice by the public entities to whom notification is provided under § 77.121(e).

(b) Except as provided in subsection (c), if a public hearing or an informal conference is requested under subsection (a), the Department will hold a public hearing or an informal conference within 60 days following the close of the public comment period provided under § 77.122(a) (relating to opportunity for submission of written comments or objections on the permit application). The public hearing or informal conference will be conducted as follows:

(1) The public hearing or informal conference shall be held in the locality of the proposed mining operation.

(2) The date, time and location of the public hearing or informal conference shall be advertised by the Department in a newspaper of general circulation in the locality of the proposed mine at least 2 weeks prior to the scheduled public hearing or informal conference.

(3) The public hearing or informal conference shall be conducted by a representative of the Department who may accept oral or written statements and other relevant information from a party to the public hearing or informal conference.

(c) If the parties requesting the public hearing or informal conference agree to withdraw their request, the public hearing or informal conference need not be held.

(d) Informal conferences held under § 77.504 (relating to distance limitations and areas designated as unsuitable for mining) may be used by the Department as the

public hearing or informal conference required under proposed uses or relocation of public highways.

(e) [Reserved].

(f) Within 60 days of the public hearing or informal conference, the Department will notify the applicant of its decision to approve or disapprove or of its intent to disapprove subject to the submission of additional information.

(g) After the public hearing or informal conference, the Department will prepare a summary report regarding the comments submitted in association with the public hearing or informal conference. This document will be made publicly available prior to or upon approval or denial of the application.

**§ 77.128. Permit terms.**

(a) A permit will be issued for the duration of the mining and reclamation operation except for the NPDES permit, which shall be renewed every 5 years.

(b) A permit will terminate if the permittee has not begun the noncoal mining activities covered by the permit within 5 years of the issuance of the permit, unless extended in accordance with this section. The Department may grant reasonable extensions of time for commencement of these activities upon receipt of a written statement showing that the extensions of time are necessary if litigation precludes the commencement or threatens substantial economic loss to the permittee or if there are conditions beyond the control and without the fault or negligence of the permittee. Requests for extensions shall be submitted to the Department prior to expiration of the permit. If a permit has not been activated within 5 years, the permittee may apply for a permit renewal that includes updated permit information as described in § 77.161 (relating to responsibilities).

(c) A permit renewal application shall be filed under § 77.143 (relating to permit renewals).

**PERMIT REVIEWS, RENEWALS, REVISIONS AND TRANSFERS**

**§ 77.141. Permit revisions.**

(a) A revision to a permit shall be obtained for a change to the noncoal mining activities, as defined by the Department, set forth in the application.

(b) [Reserved].

(c) An application for revision shall be complete as described in § 77.105 (relating to application contents) and contain the following information:

(1) The permittee's name and address and permit number.

(2) A description of the proposed revisions, including appropriate maps, plans and application modules to demonstrate that the proposed revision complies with the act, the environmental acts and this chapter.

(d) The Department will approve or disapprove the application for revision under § 77.127 (relating to final permit action).

(e) Except for an insignificant boundary correction, the addition of acreage for support activities is subject to review through the same procedures as an application for a new permit but will be a revision to the existing permit.

(f) Except for an insignificant boundary correction, the addition of acreage for mineral extraction is subject to review through the same procedure as an application for

a new permit but will be a revision to an existing permit, with consideration to the following:

(1) Effect on the hydrologic balance.

(2) Improvement to or logical extension of the existing overall operations and reclamation plan.

(3) Feasibility of issuing a new individual permit for the additional area.

(g) A permit revision for circumstances described under § 77.142 (relating to public notice of permit revision) is a major revision and is subject to the provisions of § 77.121 (relating to public notices of filing of permit applications). The Department may require that any major revision include an update of related permit information to reflect current conditions or requirements including bond liability.

(h) The Department may require a permit revision in response to the following:

(1) Unanticipated substantial impacts that affect public health, safety or the environment have occurred or are expected to occur as a result of the mining activity.

(2) The permittee has deviated or must deviate from the approved operational information or reclamation plan.

**§ 77.142. Public notice of permit revision.**

(a) A permit revision request is subject to the notice requirements of § 77.121 (relating to public notices of filing of permit applications) under the following circumstances:

(1) For surface mining activities:

(i) Discharging to a different watershed or a change in water treatment facility design which would result in a change in effluent limits or additional discharge points.

(ii) The change of postmining land use.

(iii) A change in the type of reclamation (for example—approximate original contour, terrace, water impoundment, the addition of reclamation fill or other alternative reclamation).

(iv) A physical change in the mine configuration. Physical changes include, but are not limited to, stream diversion structures, new or expanded haul road connections to a public highway, permit area additions, elimination of public highways and increases in approved pit depth.

(v) The addition of blasting to the operation.

(vi) The addition of mineral processing to the mining activity.

(2) For underground mining activities:

(i) Discharging to a different watershed or a change in water treatment facility design which would result in a change in effluent limits or additional discharge points.

(ii) A physical change in the mine configuration. Physical changes include, but are not limited to, stream diversion structures, new or expanded haul road connections to a public highway, permit area additions, elimination of public highways and new openings.

(iii) A change to the postmining land use.

(iv) The addition of mineral processing to the mining activity.

(b) Initiation of new mining or support area is subject to public notice if the plan includes a lateral or vertical change to the previously authorized permit area. Incre-



mental mining within the permit area, as described in the permit application, is not subject to public notice.

(c) Deletion of area from within the permit boundary, with the exception of final bond release area, does not require public notice if the applicant can demonstrate that the area has not been affected by surface mining. Areas affected only by exploration by drilling may be deleted without public notice.

§ 77.143. Permit renewals.

(a) NPDES permit renewals. An application for renewal of an NPDES permit shall be filed with the Department at least 180 days before the expiration date of the NPDES permit in question. A renewal application shall be filed in the format required by the Department.

(b) Mine permit renewals—general requirements.

(1) A valid, existing permit issued by the Department will carry with it the presumption of successive renewals upon expiration of the term of the permit. Successive renewals will be available only for areas which were specifically approved by the Department on the application for the existing permit.

(2) A permit renewal will not be available for extending the acreage of the operation beyond the boundaries of the permit area approved under the existing permit. Addition of acreage to the operation will be considered under § 77.141(e) and (f) (relating to permit revisions). A request for permit revision may accompany a request for renewal and shall be supported with the information required for application as described in this chapter.

\* \* \* \* \*

(8) The Department will notify the applicant, persons who filed objections or comments to the renewal and persons who were parties to an informal conference held on the permit renewal of the Department's decision.

§ 77.144. Transfer of permit.

(a) A transfer, assignment or sale of the rights granted under a permit may not be made, except as provided in this section.

(b) Permits may be reissued in a new name, without transfer, if there is no change in legal entity, including name changes that result from conversions of a corporate entity.

(c) The Department may approve the transfer of a permit to another operator if the successor operator:

(1) Meets the requirements of § 77.126(a)(6)—(9) (relating to criteria for permit approval or denial).

(2) Assumes liability for reclamation, water pollution, planting and other responsibilities under the law, rules and regulations and the terms and conditions of the permit from the date of original issuance of the permit.

(3) Furnishes the Department with an appropriate bond in the amount specified by the Department under Subchapter D (relating to bonding and insurance requirements).

(4) Submits proof of publication as required by § 77.121 (relating to public notices of filing of permit applications) with the exception of permits issued under § 77.108 (relating to permits for small noncoal operations).

(5) Submits additional information to enable the Department to determine that the applicant is able to operate the mine in a manner complying with the environmental acts.

Subchapter D. BONDING AND INSURANCE REQUIREMENTS

FORMS, TERMS AND CONDITIONS OF BONDS AND INSURANCE

§ 77.224. Special terms and conditions for collateral bonds.

\* \* \* \* \*

(c) A collateral bond pledging certificates of deposit is subject to the following conditions:

(1) The Department will require that certificates of deposit be assigned to the Department, in writing, and that the assignment be recorded upon the books of the bank issuing the certificates.

(2) The Department will not accept an individual certificate of deposit for a denomination in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation (FDIC) and Federal Savings and Loan Insurance Corporation (FSLIC).

\* \* \* \* \*

§ 77.231. Terms and conditions for liability insurance.

\* \* \* \* \*

(b) The insurance shall be written on an occurrence basis and provide for personal injury and property damage protection in a total amount determined by the Department on a case by case basis, and adequate to compensate persons injured or property damaged as a result of the permittee's mining and reclamation operations and entitled to compensation under Pennsylvania law.

(c) If explosives are to be used by the permittee and loss, diminution in quantity or quality, contamination or interruption of public or private sources of water is possible as determined by the Department, the liability insurance shall include and the certificate shall provide a rider covering personal injury and property damage from these occurrences. The applicant may provide bond under subsection (i) in lieu of insurance to cover water supply loss, diminution, contamination or interruption.

(d) The insurance shall include a rider requiring that the insurer notify the Department whenever substantive changes are made affecting the adequacy of the policy, including cancellation or failure to renew.

(e) Minimum insurance coverage for bodily injury shall be \$500,000 per person and \$1 million aggregate. Minimum insurance coverage for property damage shall be \$500,000 for each occurrence and \$1 million aggregate.

\* \* \* \* \*

(h) The certificate holder shall be the Department.

\* \* \* \* \*

RELEASE OF BONDS

§ 77.242. Procedures for seeking release of bond.

\* \* \* \* \*

(g) Review by Department. Department review and decision will be as follows:

(1) The Department will consider, during inspection, evaluation and public hearing or informal conference decisions:

(i) Whether the permittee has met the criteria for release of the bond under § 77.243.



(ii) Whether the permittee has satisfactorily completed the requirements of the reclamation plan, or relevant portions thereof, and complied with the requirements of the act, this chapter, and the conditions of the permit.

(iii) Whether pollution of surface and subsurface water is occurring or the continuance of present pollution, and the estimated cost of abating pollution.

(2) If a public hearing or informal conference has not been held under subsection (f), the Department will notify the permittee in writing of its decision to release or not to release all or part of the bond.

(3) If there has been a public hearing or informal conference held, the notification of the decision shall be made to the permittee, and other interested parties, within 30 days after conclusion of the public hearing or informal conference.

(4) The notice of the decision will state the reasons for the decision, recommend corrective actions necessary to secure the release and notify the permittee and interested parties of the right to file an appeal to the decision with the EHB. An appeal shall be filed with the EHB under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and Chapter 1021 (relating to practice and procedures).

**Subchapter E. CIVIL PENALTIES FOR NONCOAL MINING ACTIVITIES**

**GENERAL PROVISIONS**

**§ 77.291. Applicability.**

This subchapter is applicable to assessments of civil penalties under:

- (1) Section 21 of the act (52 P.S. § 3321).
- (2) Section 605 of The Clean Streams Law (35 P.S. § 691.605).

**§ 77.293. Penalties.**

(a) *Cessation order.*

(1) The Department will assess a civil penalty of up to \$5,000 per day for each violation of the act or any rule, regulation, order of the Department or a condition of any permit issued under the act which leads to a cessation order.

(2) The Department will assess a civil penalty of up to \$10,000 per day for each violation of The Clean Streams Law which leads to a cessation order.

(3) If a violation involves a failure to correct within the period prescribed for its correction, a violation for which a cessation order or other abatement order has been issued, a civil penalty of at least \$750 will be assessed for each day the violation continues beyond the period prescribed for its correction.

(b) *Civil penalty.*

(1) The Department may assess a civil penalty of up to \$1000 per day for each violation of the act or any rule, regulation, order of the Department or a condition of any permit issued under the act, unless the operator demonstrates with clear and convincing evidence that the violations:

- (i) Result in no environmental damage.
- (ii) Result in no injury to persons or property.
- (iii) Are corrected within the required time prescribed for its abatement.

(2) If the violation involves a failure to correct within the period prescribed for its correction, a violation for which a cessation order or other abatement order was not issued, a civil penalty of at least \$250 will be assessed for each day the violation continues beyond the period prescribed for its correction.

(3) The Department may assess a civil penalty of up to \$10,000 per day for each violation of The Clean Streams Law.

**PROCEDURES**

**§ 77.301. Procedures for assessment of civil penalties.**

(a) *Initial review.* When the Department determines that a civil penalty will be assessed, it will make an initial review of the violation and will serve a copy of the results of the initial review, including the civil penalty computations, on the party responsible for the violation. The service will be by certified mail within 45 days of the Department's issuance of the notice of violation or order.

\* \* \* \* \*

(d) *Service.* The Department will serve a copy of the civil penalty assessment on the person responsible for a violation as follows:

(1) Upon the failure of the assessed party to timely request an assessment conference on the results of the initial review.

(2) Upon the completion of an assessment conference, or upon review of timely submitted information for review by the Department, if the Department does not decide to vacate the penalty. The service will be by certified mail, or by personal service. If the mail is tendered at the address of the assessed person set forth on the sign required under § 77.502 (relating to signs and markers), or at an address at which that person is in fact located, and the person refuses to accept delivery of or to collect the mail, the requirements of this paragraph will be deemed to have been complied with upon that tender.

**Subchapter G. INFORMATION ON ENVIRONMENTAL RESOURCES**

**§ 77.410. Maps, cross sections and related information.**

(a) An application shall contain maps and plans of the proposed permit area and within 1,000 feet of the permit area, except as otherwise designated by the Department, showing the following:

\* \* \* \* \*

- (11) The local government and county.
- (12) The elevation and location of test borings and core samplings.
- (13) The location and extent of existing or previously deep or surface mined areas.

\* \* \* \* \*

**Subchapter I. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**HYDROLOGIC BALANCE**

**§ 77.531. Dams, ponds, embankments and impoundments—design, construction and maintenance.**

(a) Dams, ponds, embankments and impoundments shall be designed, constructed and maintained in accordance with the Natural Resources Conservation Service

Engineering Standard # 350 "Pond" and if applicable, Chapter 105 (relating to dam safety and waterway management).

(b) A facility under subsection (a) shall be designed and certified to the Department by a qualified registered professional engineer, if required by Chapter 105, or qualified registered land surveyor.

§ 77.532. Surface water and groundwater monitoring.

\* \* \* \* \*

(c) In addition to the monitoring and reporting requirements established by the Department under Chapter 92a (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), surface water shall be monitored to accurately measure and record the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters when requested by the Department. The Department will approve the nature of data, frequency of collection, reporting requirements and the duration of the monitoring programs.

USE OF EXPLOSIVES

§ 77.562. Preblasting surveys.

(a) Preblasting surveys will not be required if blasting is designed and conducted below the levels of blasting vibration shown on Figure # 1 at the nearest dwelling, school, church, commercial or institutional building neither owned nor leased by the operator. If preblasting surveys are not conducted, the operator shall provide a seismograph record including both the particle velocity time-history (wave form) and the particle velocity and vibration frequency levels for each blast.

\* \* \* \* \*

(b) If the operator intends to conduct blasting at vibration levels exceeding the levels of vibration in Figure # 1 at the nearest dwelling, school, church, commercial or institutional building neither owned nor leased by the operator, the operator shall offer preblasting surveys. At least 30 days before commencement of blasting or resumption of blasting in accordance with § 77.562(a)(3)(i) the operator shall notify, in writing, the residents or owners of dwellings or other structures located within 1,000 feet (304.8 meters) of the area where blasting will occur of their right to request a preblasting survey and how to request a preblasting survey. On the request to the Department or operator by a resident or owner of a dwelling or structure that is located within 1,000 feet (304.8 meters) of the area where blasting will occur, the operator shall promptly conduct a preblasting survey of the dwelling or structure. If a dwelling or structure is renovated or added to subsequent to a preblasting survey, then, upon request by the resident or owner to the Department or operator, a survey of the additions and renovations shall be performed by the operator in accordance with this section. The operator shall provide the Department with a copy of the request.

\* \* \* \* \*

§ 77.563. Public notice of blasting schedule.

\* \* \* \* \*

(c) Public notice of changes to blasting schedule.

\* \* \* \* \*

(2) The blasting schedule shall be revised, published, and distributed in accordance with this section. Advice on requesting a preblasting survey need not be provided to parties advised in the original distribution under subsection (a)(1).

§ 77.564. Surface blasting requirements.

\* \* \* \* \*

(f) Airblasts shall be controlled so that they do not exceed the airblast level specified in this subsection at a dwelling, public building, school, church or commercial or institutional structure, unless the structure is owned by the person who conducts the surface mining activities and is not leased to another person. The lessee may sign a waiver relieving the operator from meeting the airblast limitations of this subsection.

(1) [Reserved].

(1.1) Maximum decibel level. The maximum allowable airblast level is 133 dBL.

(1.2) Exceptions. The Department may specify alternative maximum allowable airblast levels than those in this subsection for use in the vicinity of a specific blasting operation, if necessary.

(2) Monitoring. The operator shall conduct periodic monitoring to ensure compliance with the airblast standards. The Department may require an airblast measurement of a blast and may specify the location of the requirements.

\* \* \* \* \*

(i) In blasting operations, except as otherwise authorized in this section, the maximum peak particle velocity may not exceed the levels of blasting vibration shown in Figure # 1 in § 77.562 at the location of a dwelling, public building, school, church or commercial or institutional building or other structure designated by the Department. The maximum peak particle velocity shall be the largest of three measurements. The Department may reduce the maximum peak particle velocity allowed, if it determines that a lower standard is required because of density of population or land use, age or type of structure, geology or hydrology of the area, frequency of blasts or other factors.

(j) The maximum peak particle velocity limitation of subsection (i) does not apply at a structure owned by the permittee.

(k) When seismographs are not used to monitor peak particle velocity, the maximum weight of explosives to be detonated within any 8 millisecond period may be determined by the formula  $W=(d/90)^2$  where W equals the maximum weight of explosives, in pounds, that can be detonated in any 8 millisecond period, and d equals the distance, in feet, from the blast to the nearest dwelling, school, church, commercial or institutional building. The development of a modified scale-distance factor may be authorized by the Department on receipt of a written request by the operator, supported by seismographic records of blasting at the mine site. If the peak particle velocity will exceed .5 inch per second with the adjusted scale-distance, § 77.562(d) shall be complied with prior to blasting at the adjusted levels.

\* \* \* \* \*

§ 77.565. Records of blasting operations.

A record of each blast shall be retained for at least 3 years and shall be available for inspection by the Depart-

ment. Seismographic reports, if applicable, shall be made a part of that record. The record shall include the following data:

\* \* \* \* \*

- (10) The total weight, in pounds, of explosives used.
  - (11) The maximum weight, in pounds, of explosives detonated per 8 millisecond or less delay intervals.
  - (12) The maximum number of holes detonated per 8 millisecond or less delay intervals.
- \* \* \* \* \*
- (16) The total quantity and type of delay detonator and delay periods used.
  - (17) The sketch showing the number of holes, burden, spacing, and pattern dimensions of the delay pattern and point of initiation.
  - (18) The number of persons in the blasting crew.
  - (19) The seismograph and airblast records, when required, including the type of instrument, sensitivity and calibration signal of the gain setting and certification of annual calibration and the following:
    - (i) The seismograph or airblast level reading, or both, including exact location of the seismograph, its distance from the blast and the name of the property.
    - (ii) The name of the person taking the seismograph reading.
    - (iii) The name of person and firm analyzing the seismograph record.
  - (20) The reasons and conditions for an unscheduled blast.
  - (21) The total number of blasting caps used.
  - (22) The scaled distance.
  - (23) The location of the seismograph, when required.
  - (24) The type of circuit, if electric detonation is used.

**BACKFILLING AND GRADING**

**§ 77.593. Alternatives to contouring.**

Alternative reclamation to approximate original contour may be authorized as follows:

- (1) The applicant shall demonstrate that the proposed operation will be carried out over a substantial period of time and that the volume of mineral to be removed is large compared to the overburden to restore the area to approximate original contour. The applicant shall provide a description of the alternative and demonstrate that:
  - (i) The alternative to contouring can be achieved.
  - (ii) The alternative poses no actual or potential threat to public health or safety.
  - (iii) The alternative poses no actual or potential threat to water diminution, contamination, interruption or pollution.
  - (iv) The alternative is consistent with applicable land use policies, plans and programs.
  - (v) The alternative is consistent with Federal, State or local law.
  - (vi) The alternative is the highest or best use that can reasonably be supported after mining and reclamation is completed.
- (2) If the applicant does not meet the requirements of paragraph (1), an alternative to contouring may be authorized if the applicant demonstrates that the opera-

tion will either restore the land affected to a condition capable of supporting the uses it was capable of supporting prior to mining or to a higher or better use. The applicant shall demonstrate that:

\* \* \* \* \*

**REVEGETATION**

**§ 77.618. Standards for successful revegetation.**

(a) When the approved postmining land use is cropland:

- (1) The standards for successful revegetation shall be based upon crop productivity or yield.
- (2) The approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture Natural Resources Conservation Service.
- (3) The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the 5-year responsibility period established in § 77.615 (relating to species). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(b) When the approved postmining land use is other than cropland:

- (1) The standards for successful revegetation shall be determined by ground cover.
  - (2) The approved standard shall be the percent ground cover of the vegetation which exists on the proposed area to be affected by surface mining activities. The Department will not approve less than a minimum of 70% ground cover of permanent plant species with not more than 1% of the area having less than 30% ground cover with no single or contiguous area having less than 30% ground cover exceeding 3,000 square feet. When woody species are planted in mixture with herbaceous species, these standards shall be met and a minimum of 400 woody plants per acre shall be established unless alternate plans are approved or required by the Department. On slopes greater than 20 degrees, the minimum number of woody plants shall be 600 per acre.
  - (3) The percent of ground cover of the mined area shall meet the standards of paragraph (2) to qualify for Reclamation Stage I and Reclamation Stage II approval.
  - (4) For purposes of this subsection, the term "herbaceous species" means grasses, legumes and nonleguminous forbs. The term "woody plants" means woody shrubs, trees and vines.

**CESSATION AND COMPLETION OF MINING**

**§ 77.654. Clean up.**

Upon completion of mining, the operator shall remove and clean up temporary unused structures, facilities, equipment, machines, tools, parts or other materials, property, debris or junk that were used in or resulted from the surface mining activity.

**§ 77.655. Closing of underground mine openings.**

- (a) *Mine openings.*
  - (1) Upon completion of mining, a mine opening, except those approved for water monitoring or otherwise managed in a manner approved by the Department, shall be closed:

(i) To prevent degradation of surface waters and groundwaters.

(ii) To assist in returning the groundwater as near to its premining level as possible.

(iii) To assist in returning the hydrologic balance as near to its premining condition as possible.

(iv) To ensure the safety of people.

(v) To prevent access to underground workings.

(2) Prior to closing a mine opening, the plan for the closing shall be approved by the Department.

\* \* \* \* \*

**Subchapter J. GENERAL PERMITS**

**§ 77.807. Change of ownership.**

For an activity requiring registration under this section, an amended registration shall be filed if there is a change of ownership of the entity conducting the surface mining activities.

[Pa.B. Doc. No. 23-1116. Filed for public inspection August 18, 2023, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 107 ]

### Boating; Boating Restrictions

The Fish and Boat Commission (Commission) proposes to amend Chapter 107 (relating to boating restrictions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations eliminating redundant regulations.

#### A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on this proposed rulemaking, contact Renae Kluk Kiehl, Esquire, P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. *Statutory Authority*

The proposed amendment to § 107.5 (relating to streams less than 200 feet across) is published under the statutory authority of section 5123(a) of the code (relating to general boating regulations).

#### D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

In § 103.3(a) (relating to restriction for special areas), "[b]oats are limited to slow, no wake speed when within 100 feet of the shore line; docks; launching ramps; swimmers or downed skiers or other boat-towed watersports participants; persons wading in the water; anchored, moored, or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection." According to § 103.3(a), boats operating in a waterway less than 200 feet across would be within 100 feet of either shore line and restricted to slow, no wake speed operation. Therefore, § 107.5(a) of the Commission's regulations is redundant and can be deleted.

The Commission proposes that § 107.5 be amended to read as set forth in Annex A.

#### F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to [RA-pfbcregulations@pa.gov](mailto:RA-pfbcregulations@pa.gov). Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-344. No fiscal impact; recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 107. BOATING RESTRICTIONS

#### § 107.5. Streams less than 200 feet across.

(a) [ **A boat may not exceed slow, no wake speed on an area of a stream that measures less than 200 feet across except where special regulations have been promulgated by the Commission that provide for zoned areas where higher speeds are permitted under controlled conditions** ] [ Reserved ].

(b) It is unlawful for a person to operate an air-propeller driven boat, an all-terrain vehicle, an air cushion effect vehicle or similar craft on an area of a stream that is less than 200 feet in width except when special regulations provide otherwise.

[Pa.B. Doc. No. 23-1117. Filed for public inspection August 18, 2023, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 111 ]

### Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations pertaining to Allegheny River Reservoir, also known as Kinzua Dam located in both McKean County and Warren County.

#### A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

### B. Contact Person

For further information on this proposed rulemaking, contact Renae Kluk Kiehl, Esquire, P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

### C. Statutory Authority

The proposed amendments to §§ 111.42 and 111.62 (relating to McKean County; and Warren County) are published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

### D. Purpose and Background

The specific purpose and background of the proposed amendments are described in more detail under the summary of proposal.

### E. Summary of Proposal

Allegheny River Reservoir, also known as Kinzua Dam, is a 7,647-acre impoundment in McKean County and Warren County operated by the United States Army Corps of Engineers (USACE). Many of the controlled areas on the lake are indicated in the Commission's regulations and are marked with aids to navigation (that is buoys) by the USACE. The area near Elijah Run, in the southeastern portion of the reservoir in McKean County, is currently marked by USACE as slow, no wake to protect the boat launch area; however, it is not part of the Commission's regulations. Adding this location to the existing regulations for Allegheny River Reservoir in the *Pennsylvania Code* will assist with enforcement of this restriction. Commission staff also recommend adding §§ 111.42(1)(vii) and 111.62(1)(viii) to the McKean County and Warren County regulations that appear in regulations on other USACE waters which allow USACE to respond quickly to areas that become problematic by marking them accordingly.

The Commission proposes that §§ 111.42 and 111.62 be amended to read as set forth in Annex A.

### F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

### G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to [RA-pfbceregulations@pa.gov](mailto:RA-pfbceregulations@pa.gov). Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-345. No fiscal impact; recommends adoption.

## Annex A

### TITLE 58. RECREATION PART II. FISH AND BOAT COMMISSION Subpart C. BOATING CHAPTER 111. SPECIAL REGULATIONS COUNTIES

#### § 111.42. McKean County.

*Allegheny River Reservoir (Kinzua Dam).*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Chappel Bay.

(ii) Morrison Run Bay.

(iii) From the sewer plant at Kiasutha to the headwaters above Red Bridge.

(iv) Willow Bay.

(v) Sugar Bay.

**(vi) Elijah Run boat launch.**

**(vii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.**

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

#### § 111.62. Warren County.

*Allegheny River Reservoir (Kinzua Dam).*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) In the vicinity of camping areas and boat launch areas.

(ii) Dew Drop Bay.

(iii) Wolf Run Bay.

(iv) Hodge Bay, North and South Branch.

(v) Cornplanter Bay.

(vi) Billies Bay.

(vii) Willow Bay beginning at the boat launch ramp.

**(viii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.**

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

[Pa.B. Doc. No. 23-1118. Filed for public inspection August 18, 2023, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 111 ]

### Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations pertaining to Halfway Lake at R.B. Winter State Park, located in Union County.

*A. Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

*B. Contact Person*

For further information on this proposed rulemaking, contact Renae Kluk Kiehl, Esquire, P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at [www.fishandboat.com](http://www.fishandboat.com).

*C. Statutory Authority*

The proposed amendment to § 111.60 (relating to Union County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

*D. Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

*E. Summary of Proposal*

Boating has historically been prohibited at Halfway Lake at R.B. Winter State Park due to the small size of the lake (approximately 6 acres). In recent years, the Department of Conservation and Natural Resources agreed to allow unpowered boats to operate on the lake. Therefore, the Commission must update its regulations.

The Commission proposes that § 111.60 be amended to read as set forth in Annex A.

*F. Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to [RA-pfbcregulations@pa.gov](mailto:RA-pfbcregulations@pa.gov). Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-346. No fiscal impact; recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.60. Union County.**

*Halfway Lake—R.B. Winter State Park. [ Boating is prohibited ] It is unlawful to operate a boat powered by a motor.*

[Pa.B. Doc. No. 23-1119. Filed for public inspection August 18, 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 August 8, 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, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmsnspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance 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, or for credit unions or trust companies (717) 783-2253.

### APPLICATIONS FOR COMMENT

#### BANKING INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

### OTHER APPLICATION ACTIVITY

#### BANKING INSTITUTIONS

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
08-04-2023	Somerset Trust Company Somerset Somerset County	632 West Main Street Mount Pleasant Westmoreland County	Approved
07-31-2023	Univest Bank & Trust Co. Souderton Montgomery County	1501 Ardmore Boulevard Pittsburgh Allegheny County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
05-15-2023	Tompkins Community Bank Ithaca Tompkins County, NY	<i>To:</i> 153 East Lancaster Avenue Wayne Delaware County, PA  <i>From:</i> 600 West Lancaster Avenue Wayne Delaware County, PA	Effective

#### CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1120. Filed for public inspection August 18, 2023, 9:00 a.m.]



## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Pennsylvania Housing Advisory Committee Meeting; 2024—2028 Consolidated Plan

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2024—2028 Consolidated Plan (Plan). The Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions and to make data-driven, place-based investment decisions.

The consolidated planning process serves as the framework for a Statewide dialogue to identify housing and community development priorities that align and focus funding from the United States Department of Housing and Urban Development's Community Planning and Development formula block grant programs:

- *CDBG*: Community Development Block Grant Program
- *HOME*: HOME Investment Partnerships Program
- *ESG*: Emergency Solutions Grant Program
- *HOPWA*: Housing Opportunities for Persons with AIDS Program
- *HTF*: National Housing Trust Fund

*Pennsylvania Housing Advisory Committee*  
Thursday, September 7, 2023  
1 p.m.

The Pennsylvania Housing Advisory Committee (Committee) is responsible for reviewing Statewide housing, community development and support services needs and priorities, as well as advising the Department in the preparation of the Commonwealth Consolidated Plan, annual action plans and the coordination of Federal, State and local resources to manage the implementation of these plans.

As part of the planning process for the Plan, the Committee will be meeting in an open, public forum. The purpose of the meeting will be to review trends and needs through data analysis and consultation process. Additionally, the Committee will discuss the key findings, the priority needs and strategies for the Plan.

Individuals who wish to attend the Committee meeting may join by phone at (267) 332-8737. The conference ID is 439 171 889#.

Individuals who have a disability or limited English proficiency and wish to participate in the public hearing should contact David Grey, [dgrey@pa.gov](mailto:dgrey@pa.gov), (717) 214-5341 or TDD (717) 346-0308 at a minimum of 72 hours prior to the meeting to discuss how the Department can accommodate their needs.

RICK SIGER,  
*Secretary*

[Pa.B. Doc. No. 23-1121. Filed for public inspection August 18, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

<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](http://www.dep.pa.gov/CWPUBLICNOTICE).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD360065	Chapter 102 Individual NPDES Permit	Amendment Minor	Warwick School District 301 W Orange Street Lititz, PA 17543-1814	Lititz Borough Lancaster County	SCRO
0123804	Joint DEP/PFBC Pesticides Permit	New	Gettysburg Battlefield Resort 1960 Emmitsburg Road Gettysburg, PA 17325-7196	Cumberland Township Adams County	SCRO
0621804	Joint DEP/PFBC Pesticides Permit	Amendment	Goodrich Lonnie 33 Docwill Drive Barto, PA 19504-8740	Washington Township Berks County	SCRO
0913884	Joint DEP/PFBC Pesticides Permit	Renewal	Wolfe Don 71 Sweetbriar Road Perkasie, PA 18944-3866	Bedminster Township Bucks County	SERO
0913926	Joint DEP/PFBC Pesticides Permit	Renewal	Boy Scouts of America Camp Ockanickon 5787 State Park Road Pipersville, PA 18947-1501	Plumstead Township Bucks County	SERO
0913931	Joint DEP/PFBC Pesticides Permit	Renewal	Peterson Eric 2597 Street Road Box 127 Lahaska, PA 18931	Buckingham Township Bucks County	SERO
0923810	Joint DEP/PFBC Pesticides Permit	New	Rufe Kenneth 2645 Steinsburg Road Quakertown, PA 18951-3837	Milford Township Bucks County	SERO
0923814	Joint DEP/PFBC Pesticides Permit	New	Klein Joe 1 Sarah Drive Newtown, PA 18940-4129	Wrightstown Township Bucks County	SERO
1523829	Joint DEP/PFBC Pesticides Permit	New	Saunders Alison 2010 Newcomen Road Chester Springs, PA 19425-2027	Charlestown Township Chester County	SERO
3613858	Joint DEP/PFBC Pesticides Permit	Renewal	Safe Harbor Water Power Corp 126 Lamberton Lane Hawley, PA 18428-7606	Manor Township Lancaster County	SCRO
4013820	Joint DEP/PFBC Pesticides Permit	Amendment	Nuangola Lake Association 26 Nuangola Avenue Mountain Top, PA 18707-9124	Nuangola Borough Luzerne County	NERO
4614808	Joint DEP/PFBC Pesticides Permit	Renewal	Superior Tube Inc. 3900 Germantown Pike Collegeville, PA 19426-3112	Collegeville Borough Montgomery County	SERO
4619802	Joint DEP/PFBC Pesticides Permit	Renewal	Addison Reserve HOA 975 Easton Road Suite 102 Warrington, PA 18976	Whitpain Township Montgomery County	SERO
5223802	Joint DEP/PFBC Pesticides Permit	New	Conashaugh Lakes Comm Association 102 Conashaugh Trail Milford, PA 18337-9530	Dingman Township Pike County	NERO
6723804	Joint DEP/PFBC Pesticides Permit	New	Safe Harbor Water Power Corp 126 Lamberton Lane Hawley, PA 18428-7606	Lower Windsor Township York County	SCRO
1509411	Land Application and Reuse of Sewage Individual WQM Permit	Transfer	Bucks County Water & Sewer Authority 729 Saint Matthews Road Chester Springs, PA 19425	West Vincent Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6008403	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Gregg Township Municipal Authority Union County 16436 US Route 15 Allenwood, PA 17810-9137	Gregg Township Union County	NCRO
6308202	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	PA Transformer Tech Inc. 30 Curry Avenue Canonsburg, PA 15317-1786	Cecil Township Washington County	SWRO
4823403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Lehigh Township Municipal Authority Northampton County 1069 Municipal Road Walnutport, PA 18088-9718	Lehigh Township Northampton County	NERO
5288408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA American Water Co. 171 W Johnson Highway Norristown, PA 19401-3030	Lehman Township Pike County	NERO
NOEXNW081	No Exposure Certification	Renewal	Essentra Plastics LLC dba Essentra Components 3123 Station Road Erie, PA 16510-6501	Erie City Erie County	NWRO
NOEXSC126	No Exposure Certification	Renewal	Bway Pkg Division Bway Corp 599 Davies Drive York, PA 17402-8630	Springettsbury Township York County	SCRO
NOEXSC383	No Exposure Certification	Transfer	Altium Pkg LLC 2500 Windry Ridge Parkway Suite 1400 Atlanta, GA 30339	Muhlenberg Township Berks County	SCRO
PAG032243	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	PA Thermal Blue Stone Co. LLC P.O. Box 4 South Gibson, PA 18842	Great Bend Township Susquehanna County	NERO
PAG034058	PAG-03 NPDES General Permit for Industrial Stormwater	New	Reading Precast Inc. 5494 Pottsville Pike Leesport, PA 19533-8645	Ontelaunee Township Berks County	SCRO
PAG034059	PAG-03 NPDES General Permit for Industrial Stormwater	New	United Parcel Service Inc. 1821 S 19th Street Harrisburg, PA 17104-3206	Dickinson Township Cumberland County	SCRO
PAG034060	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	Southampton Township Franklin County	SCRO
PAG034837	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Mastic Home Exteriors 499 W Sassafras Street Selinsgrove, PA 17870-1403	Selinsgrove Borough Snyder County	NCRO
PAG036554	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Cynthia & Warren Chisler P.O. Box 98 107 Chrissy Lane Brave, PA 15316-0098	Wayne Township Greene County	SWRO
PAG036555	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cleveland Bros Equip Co. Inc. 4565 William Penn Highway Murrysville, PA 15668-2003	Murrysville Borough Westmoreland County	SWRO



## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038355	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buffalo & Pittsburgh RR Inc. 47849 Papermill Road Coshocton, OH 43812-9724	Bell Township Jefferson County	NWRO
PAG038494	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Evergreen Landfill Inc. 1310 Luciusboro Road Blairsville, PA 15717	Center Township Indiana County	NWRO
PAG038532	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Blair Strip Steel Co. 1209 Butler Avenue New Castle, PA 16101-4369	New Castle City Lawrence County	NWRO
PAG066121	PAG-06 NPDES General Permit for Combined Sewer Systems	Renewal	Arnold City 1829 5th Avenue Arnold, PA 15068	Arnold City Westmoreland County	SWRO
PAG106232	PAG-10 NPDES General Permit for Hydrostatic Test Water	New	EQM Gathering Opco LLC 2200 Energy Drive Canonsburg, PA 15317-1000	Franklin Township Greene County	SWRO
PAG133699	PAG-13 NPDES General Permit for MS4s	Renewal	West Cornwall Township 73 S Zinns Mill Road Lebanon, PA 17042-9551	West Cornwall Township Lebanon County	SCRO
PAG136262	PAG-13 NPDES General Permit for MS4s	Renewal	New Eagle Borough 157 Main Street New Eagle, PA 15067-1160	New Eagle Borough Washington County	SWRO
PAG136366	PAG-13 NPDES General Permit for MS4s	Renewal	Stowe Township 555 Broadway Avenue McKees Rocks, PA 15136-3027	Stowe Township Allegheny County	SWRO
2220403	Pump Stations Individual WQM Permit	Transfer	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033-2453	Londonderry Township Dauphin County	SCRO
1500417	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Wight Briana 595 Cricket Lane Downingtown, PA 19335-4838	East Nantmeal Township Chester County	SERO
2987401	Single Residence Sewage Treatment Plant Individual WQM Permit	Amendment	Todd Township 2998 East Dutch Corner Road McConnellsburg, PA 17233	Todd Township Fulton County	SCRO
4123402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Kula-Wright Kristina R 12866 Wallis Run Road Trout Run, PA 17771-8523	Plunketts Creek Township Lycoming County	NCRO
5623400	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Portera Joseph 600 Hayden Boulevard Elizabeth, PA 15037-1600	Indian Lake Borough Somerset County	SWRO
5623401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	King Todd 2122 Greenville Circle North Huntingdon, PA 15642-8788	Indian Lake Borough Somerset County	SWRO
WQG02632302	WQG-02 WQM General Permit	New	Burgettstown Rd Assoc LLC 100 Leetsdale Industrial Drive Leetsdale, PA 15056-1042	Findlay Township Allegheny County	SWRO

**II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**
*Northeast Regional Office*

**PA0042048 A-1**, Sewage, SIC Code 4952, **Conyngham-Sugarloaf Joint Municipal Authority**, P.O. Box 469, Conyngham, PA 18219. Facility Name: Conyngham-Sugarloaf Joint Municipal Authority WWTP. This existing facility is located in Sugarloaf Township, **Luzerne County**.

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

The receiving stream, Little Nescopeck Creek (CWF, MF), is located in State Water Plan watershed 5-D and is classified for Cold Water 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 design flows of 0.35 MGD and 0.5 MGD.

(From Permit Amendment Effective Date to August 31, 2023)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Average</i>		<i>Average</i>	<i>Maximum</i>	
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0

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

(From Permit Amendment Effective Date to Startup of Upgraded Facilities)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Weekly</i>		<i>Average</i>	<i>Weekly</i>	
	<i>Monthly</i>	<i>Average</i>		<i>Monthly</i>	<i>Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	73	117	XXX	25.0	40.0	50.0
Total Suspended Solids	87	131	XXX	30.0	45.0	60.0
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

(From Startup of Upgraded Facilities to August 31, 2027)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Weekly</i>		<i>Average</i>	<i>Weekly</i>	
	<i>Monthly</i>	<i>Average</i>		<i>Monthly</i>	<i>Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	104	166	XXX	25.0	40.0	50.0
Total Suspended Solids	125	187	XXX	30.0	45.0	60.0
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	104	166	XXX	25.0	40.0	50.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (lbs)	Total Annual	XXX	XXX	XXX	XXX	XXX
Net Total Nitrogen (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Net Total Phosphorus (lbs)	Total Annual	XXX	XXX	XXX	XXX	XXX
	7,306	XXX	XXX	XXX	XXX	XXX
	Total Annual	XXX	XXX	XXX	XXX	XXX
	974	XXX	XXX	XXX	XXX	XXX
	Total Annual					

The proposed effluent limits for Outfall 001 are based on design flows of 0.35 MGD and 0.5 MGD.

(From September 1, 2023 to August 31, 2027)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Average</i>		<i>Average</i>	<i>Maximum</i>	
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on design flows of 0.35 MGD and 0.5 MGD.

(From Permit Amendment Effective Date to August 31, 2027)

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	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		

The proposed effluent limits for Outfall 001 are based on design flows of 0.35 MGD and 0.5 MGD.

(From Permit Amendment Effective Date to August 31, 2027)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Annl Avg	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

The proposed effluent limits for Outfall 001 are based on design flows of 0.35 MGD and 0.5 MGD.

(From Permit Amendment Effective Date to August 31, 2027)

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

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

- Chesapeake Bay Nutrient Requirements
- Solids Management

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

The EPA Waiver is in effect.

Northeast Regional Office

**PA0063100**, Sewage, SIC Code 4952, **Harford Township, Susquehanna County**, P.O. Box 1, Harford, PA 18823-0001. Facility Name: Harford Township WWTP. This existing facility is located in Harford Township, **Susquehanna 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), Nine Partners Creek (CWF, MF), is located in State Water Plan watershed 4-F 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 .050 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .050 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
Copper, Total (ug/L)	0.012	0.018 Daily Max	XXX	28.0	43.6 Daily Max	69.9

The proposed effluent limits for Outfall 001 are based on a design flow of .050 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.44	XXX	1.04
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	10.4	Report	XXX	25.0	50.0	50.0
BOD <sub>5</sub> Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	12.5	Report	XXX	30.0	60.0	60.0
Total Suspended Solids Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	XXX	XXX	XXX
Ultraviolet light intensity (µw/cm <sup>2</sup> )	XXX	XXX	Report	20.22	Report	XXX
Ammonia-Nitrogen	8.1	Report	XXX	6.74	13.48	13.48
Nov 1 - Apr 30	2.7	Report	XXX	Report	Report	XXX
May 1 - Oct 31	Report	Report	XXX	Report	Report	XXX
Lead, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .050 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily 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 .050 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Total Nitrogen	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Total Kjeldahl Nitrogen	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Total Phosphorus	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of NA 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX



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

- Stormwater prohibition; Necessary property rights; Residuals management; Chlorine minimization; Solids management; and WQBELs for toxic pollutants (copper).

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0240087**, Sewage, SIC Code 4952, 8811, **Paul V Wittenbrink**, 126 Oakland Place, Buffalo, NY 14222-2030. Facility Name: Paul Wittenbrink SRSTP. This existing facility is located at 1830 Wolf Run Rd, Bradford, PA 16701 in Corydon 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), Chander Run (HQ-CWF), is located in State Water Plan watershed 16-B 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.

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

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*

**PA0264539**, Sewage, SIC Code 4952, 8800, **Peter Henlen**, 1643 Rutledge Road, Transfer, PA 16154-2529. Facility Name: Peter Henlen SRSTP. This existing facility is located in Delaware Township, **Mercer County**.

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

The receiving stream is an Unnamed Tributary to Shenango River, located in State Water Plan watershed 20-A and 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.

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

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0272647**, Sewage, SIC Code 8811, **Thomas J & Karen L Chatham**, P.O. Box 242, Polk, PA 16342-0242. Facility Name: J Thomas & Karen L Chatham SRSTP. This existing facility is located at 1290 Valley Road, Polk, PA 16342 in Frenchcreek Township, **Venango County**.

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

The receiving stream(s), Little Sandy Creek (HQ-CWF), is located in State Water Plan watershed 16-G 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.

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

**PA0295205**, Sewage, SIC Code 8800, **Kenneth Conrad**, 136 Wiegand Drive, Cranberry Township, PA 16066-3008. Facility Name: Kenneth Conrad SRSTP. This proposed facility is located in Cranberry Township, **Butler 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 Brush Creek (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0009 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	Inst Min 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*

**Application No. PA0266728**, Concentrated Animal Feeding Operation (CAFO), **Springbrook Farm LLC** (Springbrook Farm), 13233 Greenwood Road, Huntingdon, PA 16652-5922.

Springbrook Farm LLC has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Springbrook Farm, located in Jackson Township, **Huntingdon County**.

The CAFO is situated near Unnamed Tributary to Standing Stone Creek (HQ-CWF, MF) in Watershed 11-B, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 773.10 animal equivalent units (AEUs) consisting of 4,800 Swine Grow Finish, 6,300 Layer Breeder Hen, 700 Layer Breeder Rooster, 10 Beef Cows, 1 Beef Bull, 10 Beef Feeders, 4 Beef Replacement Heifers, and 1 Beef Finisher. Liquid swine manure is stored in an Underbarn Deep Pit. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Southeast Regional Office*

**PA0053970 A-1**, Sewage, SIC Code 6515, **Martins Community LLC**, 25 Randy Lane, Cochranville, PA 19330-1647. Facility Name: Martins Community STP. This existing facility is located in West Nottingham Township, **Chester County**.

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

The receiving stream, Unnamed Tributary to North East Creek (TSF, MF), is located in State Water Plan watershed 7-K and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .012 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .012 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.34	XXX	0.8
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	2.0	XXX	XXX	20.0	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	1.0	XXX	XXX	10.0	XXX	20
Total Suspended Solids	1.0	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	0.6	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30						
May 1 - Oct 31	0.2	XXX	XXX	2.0	XXX	4
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .0185 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	XXX	0.026
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	3.1	XXX	XXX	20.0	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	1.5	XXX	XXX	10.0	XXX	20
Total Suspended Solids	1.5	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (µw/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX

<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>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Ammonia-Nitrogen	0.93	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30						
May 1 - Oct 31	0.31	XXX	XXX	2.0	XXX	4
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					

The proposed effluent limits for Outfall 001 are based on a design flow of .0185 MGD.—Final Limits.

<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>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed limits for Outfall 001 are based on a design flow of 0.012 MGD (interim) and .0185 MGD (final).—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Final 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)	XXX	990.48	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net						
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	58.44	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net						

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

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

- A. Chesapeake Bay Nutrient Requirements
- B. No Stormwater
- C. Acquire Necessary Property Rights
- D. Proper Sludge Disposal
- E. Abandon STP when Municipal Sewers Available
- F. Chlorine Optimization
- G. Small Stream Discharge
- H. Operator Notification



- I. TMDL/WLA Analysis
- J. Notification of the Construction Completion
- K. 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

*Southwest Regional Office*

**PA0216941**, Sewage, SIC Code 4952, **Forest Hills Municipal Authority**, 900 Locust Street, Saint Michael, PA 15951-0337. Facility Name: South Fork Regional WWTP. This existing facility is located in Conemaugh Township, **Cambria 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), Little Conemaugh River (WWF), is located in State Water Plan watershed 18-E 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 1.2 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Benzo(a)Anthracene (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Butyl Benzyl Phthalate (ug/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Quarterly	Daily Maximum		Average Quarterly	Daily Maximum	
Benzo(a)Anthracene (ug/L)	0.0005	0.0007	XXX	0.046	0.072	0.11
Butyl Benzyl Phthalate (ug/L)	0.01	0.015	XXX	0.96	1.49	2.39

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	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 <sub>5</sub> )	250	375	XXX	25	38	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	300	450	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
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	XXX	XXX	XXX	Report	XXX	Report
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	12.0	XXX	24.0

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- Optimization of chlorine dosage
- SBR batch discharge requirements
- Notification of designation of responsible operator
- Hauled-in waste restriction
- Solids management for non-lagoon system
- WET requirements without limits
- Requirements applicable to stormwater outfalls

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.

*Southwest Regional Office*

**PA0004979**, Industrial, SIC Code 2821, **Neville Chemicals Co.**, 2800 Neville Road, Pittsburgh, PA 15225-1496. Facility Name: Neville Chemicals Co. This existing facility is located in Neville Township, **Allegheny County**.

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

The receiving stream(s), Ohio River (WWF), is located in State Water Plan watershed—and 20-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 0.037 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	110.0	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0

The proposed effluent limits for Outfall 005 are based on a design flow of 1.01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	1.01	2.02	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Ethylbenzene	XXX	XXX	XXX	Report	Report	XXX
Benzene	XXX	XXX	XXX	0.010	XXX	0.020

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Naphthalene	XXX	XXX	XXX	Report	Report	XXX
Toluene	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.157 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Chromium, Total	0.519	1.294	XXX	0.396	0.988	XXX
Copper, Total	0.678	1.580	XXX	0.517	1.206	XXX
Cyanide, Total	0.196	0.561	XXX	0.150	0.428	XXX
Lead, Total	0.150	0.322	XXX	0.114	0.246	XXX
Nickel, Total	0.790	1.860	XXX	0.603	1.420	XXX
Zinc, Total	0.491	1.220	XXX	0.375	0.931	XXX
2-Chlorophenol	0.014	0.046	XXX	0.011	0.035	XXX
2,4-Dichlorophenol	0.018	0.052	XXX	0.014	0.040	XXX
2,4-Dimethylphenol	0.008	0.017	XXX	0.006	0.013	XXX
Fluorene	0.010	0.028	XXX	0.008	0.021	XXX
2,4-Dinitrophenol	0.033	0.057	XXX	0.025	0.044	XXX
2,4-Dinitrotoluene	0.053	0.133	XXX	0.040	0.102	XXX
2,6-Dinitrotoluene	0.119	0.300	XXX	0.091	0.229	XXX
4,6-dinitro-o-cresol	0.036	0.129	XXX	0.028	0.099	XXX
2-Nitrophenol	0.019	0.032	XXX	0.015	0.025	XXX
4-Nitrophenol	0.034	0.058	XXX	0.026	0.044	XXX
Phenol	0.007	0.012	XXX	0.005	0.009	XXX
Acenaphthene	0.010	0.028	XXX	0.008	0.021	XXX
Acenaphthylene	0.010	0.028	XXX	0.008	0.021	XXX
Acrylonitrile	0.045	0.113	XXX	0.034	0.086	XXX
Anthracene	0.010	0.028	XXX	0.008	0.021	XXX
Chlorobenzene	0.007	0.013	XXX	0.005	0.010	XXX
1,2-Dichlorobenzene	0.036	0.076	XXX	0.028	0.058	XXX
1,3-Dichlorobenzene	0.014	0.021	XXX	0.011	0.016	XXX
1,4-Dichlorobenzene	0.007	0.013	XXX	0.005	0.010	XXX
1,3-Dichloropropylene	0.014	0.021	XXX	0.010	0.016	XXX
1,2,4-Trichlorobenzene	0.032	0.065	XXX	0.024	0.050	XXX
Ethylbenzene	0.015	0.050	XXX	0.011	0.038	XXX
Hexachlorobenzene	0.007	0.013	XXX	0.005	0.010	XXX
Nitrobenzene	0.013	0.032	XXX	0.010	0.024	XXX
Benzene	0.017	0.064	XXX	0.013	0.048	XXX
Benzo(a)Anthracene	0.010	0.028	XXX	0.008	0.021	XXX
Benzo(a)Pyrene	0.011	0.029	XXX	0.008	0.022	XXX
Benzo(k)Fluoranthene	0.010	0.028	XXX	0.008	0.021	XXX
3,4-Benzofluoranthene	0.011	0.029	XXX	0.008	0.022	XXX
Carbon Tetrachloride	0.008	0.018	XXX	0.006	0.014	XXX
Chloroethane	0.049	0.125	XXX	0.037	0.096	XXX
1,1,1-Trichloroethane	0.010	0.025	XXX	0.008	0.019	XXX
1,1,2-Trichloroethane	0.010	0.025	XXX	0.008	0.019	XXX
1,1-Dichloroethane	0.010	0.028	XXX	0.008	0.021	XXX
1,2-Dichloroethane	0.032	0.099	XXX	0.024	0.075	XXX
1,2-Dichloropropane	0.071	0.107	XXX	0.055	0.082	XXX
Bis(2-Ethylhexyl)Phthalate	0.048	0.130	XXX	0.037	0.100	XXX
Chloroform	0.010	0.021	XXX	0.008	0.016	XXX
Chrysene	0.010	0.028	XXX	0.008	0.021	XXX
Diethyl Phthalate	0.038	0.095	XXX	0.029	0.072	XXX
Dimethyl Phthalate	0.009	0.022	XXX	0.007	0.017	XXX
Di-n-Butyl Phthalate	0.013	0.027	XXX	0.010	0.020	XXX
Fluoranthene	0.012	0.032	XXX	0.009	0.024	XXX
Hexachlorobutadiene	0.009	0.023	XXX	0.007	0.018	XXX
Hexachloroethane	0.010	0.025	XXX	0.008	0.019	XXX
Methyl Chloride	0.040	0.089	XXX	0.031	0.068	XXX
Methylene Chloride	0.019	0.042	XXX	0.014	0.032	XXX
Naphthalene	0.010	0.028	XXX	0.008	0.021	XXX
Phenanthrene	0.010	0.028	XXX	0.008	0.021	XXX
Pyrene	0.012	0.031	XXX	0.009	0.024	XXX
1,1-Dichloroethylene	0.007	0.012	XXX	0.006	0.009	XXX
trans-1,2-Dichloroethylene	0.010	0.025	XXX	0.008	0.019	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Tetrachloroethylene	0.010	0.026	XXX	0.008	0.020	XXX
Toluene	0.012	0.037	XXX	0.009	0.028	XXX
Trichloroethylene	0.010	0.025	XXX	0.008	0.019	XXX
Vinyl Chloride	0.049	0.125	XXX	0.037	0.096	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.157 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	26.0	69.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Avg Mo 42.0	135.0	XXX
Fluoride, Total	1,273.00 Avg Mo	1,651.00	XXX	Report Avg Mo	Report	XXX
Fluoroborates	Report Avg Mo	Report	XXX	Report Avg Mo	Report	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 2.1 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>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 2.1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Chlorobenzene	XXX	XXX	XXX	Report	Report	XXX
Ethylbenzene	XXX	XXX	XXX	Report	Report	XXX
Benzene	XXX	XXX	XXX	Report	Report	XXX
Naphthalene	XXX	XXX	XXX	Report	Report	XXX
Styrene	XXX	XXX	XXX	Report	Report	XXX
Toluene	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total	XXX	XXX	XXX	Report	Report	XXX
Vinyl Chloride	XXX	XXX	XXX	Report	Report	XXX

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

The EPA Waiver is not in effect.

*Southwest Regional Office*

**PA0254533**, Storm Water, SIC Code 4151, **Petermann Northeast LLC**, 2601 Navistar Drive, Lisle, IL 60532-3661. Facility Name: Petermann Northeast West Greene Facility. This existing facility is located in Center Township, **Greene 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), South Fork Tenmile Creek (HQ-WWF), is located in State Water Plan watershed 19-B and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX



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

The EPA Waiver is in effect.

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

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#### *Northeast Regional Office*

Applicant: **PPL Elec Utilities Corp.**

Applicant Address: 827 Hausman Rd., Genn 4, Allentown, PA 18104-9392

Application Number: **PA450002D**

Application Type: New

Municipality/County: Chestnuthill Township, Eldred Township, Jackson Township, Polk Township, Allen Township, Lehigh Township, Moore Township, **Monroe County and Northampton County**

Project Site Name: Siegfried-Jackson 1&2 138KV Line Project

Total Earth Disturbance Area (acres): 62 acres

Surface Waters Receiving Stormwater Discharges: Buckwha Creek (CWF, MF UNT) to Appenzell Creek (CWF, MF UNT) to Chapple Creek (CWF, MF) Indian Creek (CWF, MF UNT) to Indian Creek (CWF, MF UNT) to Pohopoco Creek (CWF, MF) Princess Run (CWF, MF UNT) to Sugar Hollow Creek (CWF, MF) Sugar Hollow Creek (CWF, MF) Fall Creek (EV, MF UNT) to Fall Creek (EV, MF) Hypsy Creek (EV, MF) McMichael Creek (EV, MF) Pohopoco Creek (HQ-CWF, MF) Lehigh River (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: Installation of Avian Guarding Equipment on Existing Powerline Structures.

Special Conditions: N/A—No site-specific special conditions proposed.

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

#### *Northeast Regional Office*

Applicant: **LTS Homes, LLC**

Applicant Address: 815 Seven Bridge Road, East Stroudsburg, PA 18301

Application Number: **PAD450183**

Application Type: New

Municipality/County: Hamilton Township, **Monroe County**

Project Site Name: Rocky Lane Farm Subdivision Lots

Total Earth Disturbance Area (acres): 2.28 acres

Surface Waters Receiving Stormwater Discharges: UNT to McMichaels Creek HQ-CWF

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 homes in an existing subdivision.

Special Conditions: N/A—No site-specific special conditions proposed.

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

#### *Southeast Regional Office*

Applicant: **Northwestern Chester County Municipal Authority**

Applicant Address: 5277 Horseshoe Pike, P.O. Box 308, Honey Brook, PA 19344

Application Number: **PAD150309**

Application Type: New

Municipality/County: Honey Brook Township, **Chester County**

Project Site Name: NCCMA WWTP Nitrification Upgrade Project

Total Earth Disturbance Area (acres): 5.1 acres

Surface Waters Receiving Stormwater Discharges: East Branch Brandywine Creek (HQ-TSF), West Branch Brandywine Creek (HQ-TSF), Tributary 00370 to East Brandywine Creek (HQ-TSF)

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

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

Project Description: The WWTP Nitrification Upgrade Project (Project) proposes the replacement of the existing Lagoon surface aerators, the demolition of the existing Bio-Bloc System, and the installation of a new diffused Lagoon aeration system and aerated MBBR System for improved nitrification.

Special Conditions: N/A

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

*Southeast Regional Office*

Applicant: **City of Philadelphia—Parks and Recreation**

Applicant Address: 1515 Arch Street, # 10, Philadelphia, PA 19102

Application Number: **PAD510232**

Application Type: New

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: McVeigh Recreation Center

Total Earth Disturbance Area (acres): 5.43 acres

Surface Waters Receiving Stormwater Discharges: Delaware River (MF, WWF)

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: Site improvements include the construction of a community recreation center, multi-use athletic fields, basketball courts, and walkways.

Special Conditions: N/A

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

*Northwest Regional Office*

Applicant: **Pennsylvania Power Company (A FirstEnergy Company)**

Applicant Address: 730 South Avenue, Youngstown, OH 44502

Application Number: **PAD200010**

Application Type: New

Municipality/County: West Fallowfield Township, **Crawford County**

Project Site Name: Marysville-McDowell Pole Replacement Project

Total Earth Disturbance Area (acres): 3.87 acres

Surface Waters Receiving Stormwater Discharges: UNT Crooked Creek

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: Temporary earth disturbance for access and replacement of existing utility poles.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

*Southeast Regional Office*

Applicant: **PTV 1236, LLC**

Applicant Address: 400 Penn Center Blvd, Building 4, Suite 1000, Pittsburgh, PA 15235-5613

Application Number: **PAD460080**

Application Type: New

Municipality/County: Marlborough Township, **Montgomery County**

Project Site Name: Dollar General—Green Lane

Total Earth Disturbance Area (acres): 2.66 acres

Surface Waters Receiving Stormwater Discharges: Unami Creek (HQ-TSF, MF)

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

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

Project Description: The site currently exists as an open field of grass below a wooded area and ephemeral stream located adjacent to SR 0063 (Main Street). A portion of the property will be developed into a Dollar General Retail Store inclusive of an entrance drive, parking lot, utilities, landscaping, lighting, and stormwater management controls necessary to support the development. The development area and on-site ephemeral stream ultimately drains to the Unami Creek which has a high-quality use designation. The proposed development will maintain a 150' riparian buffer to surface waters, and there are no existing or proposed stormwater discharges to the riparian buffer.

Special Conditions: N/A

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

*Southwest Regional Office*

Applicant: **Festival Fun Parks, LLC dba Kennywood**

Applicant Address: 4800 Kennywood Boulevard, West Mifflin, PA 15122

Application Number: **PAD020072**

Application Type: Renewal

Municipality/County: City of Duquesne and West Mifflin Borough, **Allegheny County**

Project Site Name: Union Railroad Co. Monongahela Junction Yard

Total Earth Disturbance Area (acres): 4 acres

Surface Waters Receiving Stormwater Discharges: Monongahela River (WWF)

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

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

Project Description: This is a renewal application for previously approved PAI050216002. No changes have been made to the previously approved plans. The project is located on the former Union Railroad Car Maintenance Shop property in West Mifflin Borough and the City of Duquesne. The site was the former repair and maintenance facility for the Union Railroad and is currently owned/utilized by Kennywood Park for storage. Future use of the site is proposed as the location of a new amusement attraction as well as continued storage.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

*Northeast Regional Office*

Applicant: **Michael R. Glovas**

Applicant Address: 590 Browns Dr., Easton, PA 18042

Application Number: **PAD480189**

Application Type: New

Municipality/County: Williams Township, **Northampton County**

Project Site Name: Minor Subdivision of Lands of Michael R and Denise L Glovas

Total Earth Disturbance Area (acres): 5.28 acres

Surface Waters Receiving Stormwater Discharges: Unnamed Tributary to Delaware River, 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: Residential subdivision proposing three (3) single family lots with on-lot Post Construction Stormwater Management facilities in Williams Township, Northampton County, PA.

Special Conditions: N/A—No site-specific special conditions proposed.

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

*Southwest Regional Office*

Applicant: **Peoples Natural Gas Company**

Applicant Address: 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212

Application Number: **PA630005D**

Application Type: New

Municipality/County: Beallsville Borough and Deemston Borough, North Bethlehem Township, Somerset Township, West Bethlehem Township, West Pike Run Township, **Washington County**

Project Site Name: Goodwin Tombaugh System Conversion Phase 3 Areas 10—12

Total Earth Disturbance Area (acres): 30 acres

Surface Waters Receiving Stormwater Discharges: Center Branch Pigeon Creek (WWF), Plum Run (TSF), Daniels Run (TSF), & Pigeon Creek (WWF)

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 consists of the installation of 10 miles of new 2-inch, 3-inch, 4-inch and 6-inch plastic gas pipeline in Beallsville Borough, Deemston Borough, North Bethlehem Township, Somerset Township, West Bethlehem Township, and West Pike Run Township, Washington County, PA. PNG intends to complete a portion of the Project using Horizontal Directional Drilling (HDD) to reduce earth disturbance and limit environmental impacts. The remainder of the Project will be installed via trenching methods. Use of the existing pipeline will be abandoned. The pipeline will remain in place except for sections of exposed pipeline within streams and wetlands, which will be removed. Additionally, the abandoned pipeline will either be removed or capped at all stream and wetland crossings in accordance with PADEP requirements. In-lieu of grouting the abandoned line at resource crossings, PNG shall maintain liability of the abandoned line. If there are any environmental concerns or any issues identified due to the abandoned pipe, PNG will be responsible to correct the issue. The Project will be restored to pre-construction conditions and no new permanent impervious areas are proposed.

Special Conditions: Earth disturbance may not commence in Chapter 105 regulated areas until all Chapter 105 authorizations have been obtained.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

## **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>
Creek Bottom Farms— Michael Snook 1510 White Church Road Middleburg, PA 17842	Snyder County	450	616.85	Finishing Hogs/ Dairy Heifers	NA	Renewal
JMA Farms, LLC— James Adams 179 Finishing Lane Beavertown, PA 17813	Snyder County	52.8	1,812.51	Swine	NA	Renewal
Granite Ridge Farms— Malcolm Rudolph 200 Ginzel Road New Oxford, PA 17350	Adams County	414.8	730.70	Swine/ Beef	NA	Renewal
Rotz Dairy Farm 592 Pine Stump Road Chambersburg, PA 17202	Franklin County	697.4	1,592	Dairy	NA	Renewal
S&J Farms, LLC 9454 Newburg Road Newburg, PA 17244	Franklin County	542	647.94	Poultry/ Beef	NA	Renewal
Four Winds Dairy LLC 400 VanEtten Road Ulysses, PA 16948	Potter County	2,573.5	2,255.66	Dairy	HQ	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 6123503**, Construction, Public Water Supply.

Applicant	<b>Rouseville Borough</b>
Address	64 Main Street Rouseville, PA 16344
Municipality	Edinboro Borough
County	<b>Venango County</b>
Responsible Official	Joe Dengel Boro Administrator 64 Main Street Rouseville, PA 16344
Consulting Engineer	Samuel R. Gibson, P.E. KLH Engineers 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received	August 7, 2023
Description	Borough of Rouseville Water System Improvements: Upgrades to source water facilities; treatment facilities; distribution system, and repairs to Bankson Hill storage tank

*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. 2123508**, NCWSA Construction, Public Water Supply.

Applicant	<b>Graziella's Pizza &amp; Subs</b>
Address	5 W. Main St Plainfield, PA 17081
Municipality	West Pennsboro Township
County	<b>Cumberland County</b>
Responsible Official	Victor Serradella 5 W. Main St Plainfield, PA 17081
Consulting Engineer	Glance Associates 3705 Trindle Rd Camp Hill, PA 17011
Application Received	July 26, 2023
Description	This application proposes a nitrate treatment system for Public Water Supply ID No. 7210316.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a

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

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

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

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

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

*Contact: Eric Supey, Environmental Program Manager.*

**Fox Well Pad**, Primary Facility ID # **864838**, 187 Walters Road, Mehoopany, PA 18629, Mehoopany Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Cheasapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of lubricating oil. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on August 2, 2023. Application received: August 2, 2023.

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

*Contact: Lee, 814-332-6127.*

**Molded Fiber Glass Company**, Primary Facility ID # **625629**, west across 4th Ave from 55 4th Ave, Union City, PA 16438, Union City Borough, **Erie County**. Partners Environmental Consulting, Inc., 31100 Solon Rd, Suite G, Solon, OH 44139 on behalf of Molded Fiber Glass Companies, 2925 MFG Place, Ashtabula, OH 44005, submitted a Notice of Intent to Remediate. The Property was residential until first developed for commercial/industrial use circa 1927. A Limited Phase II Investigation and Supplemental Sampling Activities were conducted at the Property during 2019 and 2020. The Limited Phase II Investigation and Supplemental Sampling Activities identified four (4) environmental conditions that did not meet Pennsylvania DEP Statewide health standards. These conditions include the following: concentrations of arsenic and lead in near surface fill material in the vicinity of boring SB-13; groundwater samples from monitoring wells MW-04, -05, and -07 contained concentrations of dissolved arsenic; and Ethylbenzene in soil at monitoring well MW-07. Ethylbenzene in groundwater in the vicinity of monitoring well MW-07. The future use of the Property has not been determined at this time. The remedial actions designed to mitigate the concentrations of arsenic, lead, ethylbenzene and 1,2,4-trimethylbenzene in soil, and arsenic and ethylbenzene in water include the following: excavation

and off-site disposal of arsenic and lead contaminated soil; confirmatory soil sampling to demonstrate that the residual soil does not contain arsenic and lead at levels above the SHS for soil leaching to water, Excavation, direct loading onto trucks, and transport of soil impacted by ethylbenzene and 1,2,4-trimethylbenzene for offsite disposal; confirmatory soil sampling to demonstrate that the ethylbenzene and 1,2,4-trimethylbenzene levels are no longer above the SHS for soil leaching to water, Subsurface injection of in-situ chemical oxidation (ISCO) reagents to degrade and attenuate residual ethylbenzene in groundwater after excavation of the impacted soil, Quarterly groundwater monitoring events to test for arsenic and ethylbenzene to demonstrate that the source removal of the impacted soil will benefit the groundwater quality and remaining COCs are not migrating offsite. Remedial action progress reporting. Final remedial action completion reporting. The Notice of Intent to Remediate was published in *Corry Journal* on July 25, 2023. Application received: July 21, 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 Univar USA**, Primary Facility ID # **868404**, 200 North Railroad Street, Hummelstown, PA 17036, Hummelstown Borough, **Dauphin County**. Arcadis U.S., Inc., 19 West College Avenue, Suite 250, Yardley, PA 19067 on behalf of Univar Solutions, 6000 Parkwood Place, Dublin, OH 43016, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil and groundwater contaminated with VOCs. The site will be remediated to the Statewide health and site-specific standards. Future use of the site is for nonresidential purposes. The Notice of Intent to Remediate was published in *The Sun* on June 15, 2023. Application received: July 18, 2023.

**Borough of Chambersburg—Utility Service Center**, Primary Facility ID # **846874**, 80 South Franklin Street, Chambersburg, PA 17201, Chambersburg Borough, **Franklin County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110 on behalf of Borough of Chambersburg, 100 South 2nd Street, Chambersburg, PA 17201, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil and groundwater contaminated with VOCs, SVOCs & Metals. The site will be remediated to the Special Industrial Area Standard. Future use of the site will be for nonresidential use. The Notice of Intent to Remediate was published in *The Public Opinion* on July 7, 2023. Application received: July 20, 2023.

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

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

**98 Kenwood Drive North**, Primary Facility ID # **859664**, 98 Kenwood Drive North, Levittown, PA 19055, Bristol Township, **Bucks County**. Thomas Hippensteal, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Sharon Stevenson, 98 Kenwood Drive North, Levittown, PA 19055, submitted a Notice of Intent to Remediate. The site is a residential property found to be contaminated with No. 2 fuel oil in the soil. The proposed future use of the property will be residential. The proposed cleanup standard for the site is

the Statewide health standard The Notice of Intent to Remediate was published in *Bucks County Herald* on July 20, 2023. Application received: July 23, 2023.

**2200 Somerset Street**, Primary Facility ID # **859502**, 2200 Somerset Street, PA 191324, City of Philadelphia, **Philadelphia County**. Jennifer Poole, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Lawrence McKnight, Somerset Street Station, LLC, 3020 Richmond Street, Philadelphia, PA 19134, submitted a Notice of Intent to Remediate. Results of initial investigations at the site indicate the presence of some metals, VOCs, SVOCs and PCBs in soil and metals in groundwater. The site will be developed for a future commercial mixed-use building. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard The Notice of Intent to Remediate was published in *Philadelphia Star* on March 16, 2022. Application received: July 12, 2023.

**2430 Old Welsh Road and 1745 Park Avenue**, Primary Facility ID # **867832**, 2430 Old Welsh Road and 1745 Park Avenue, Willow Grove, PA 19090, Abington Township, **Montgomery County**. Joshua Ostrow, EnviroSure, Inc., 1 North Bacton Hill Road, Suite 208, Malvern, PA 19355 on behalf of Michael Valentine, Park Auto Repair, 2430 Old Welsh Road, Willow Grove, PA 19090, submitted a Notice of Intent to Remediate. The proposed cleanup standard for the site is the Statewide health standard. The site has been found to be contaminated with No. 2 fuel oil The Notice of Intent to Remediate was published in *Bucks County Courier Times* on June 2, 2023. Application received: June 15, 2023.

**5904-08 Germantown Avenue**, Primary Facility ID # **868202**, 5904-08 Germantown Avenue, 15 West Rittenhouse Street, 5900-02 Germantown Avenue and 11 West Rittenhouse Street, Philadelphia, PA 19144, City of Philadelphia, **Philadelphia County**. Douglas Schott, PG, ARM Brickhouse, 515 South Franklin Street, West Chester, PA 19382 on behalf of Mayer Miltz, 5904-08 Germantown Avenue, LLC, 417 Cherry Hill Boulevard, Cherry Hill, NJ 08002, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with dry-cleaning solvents in groundwater on the site. The proposed future use of the property will be residential. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Chestnut Hill Local* on June 15, 2023. Application received: June 28, 2023.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

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

**400558. Covanta Plymouth Renewable Energy, LLC**, 1155 Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. This application is for the 10-year permit renewal of Covanta Plymouth Renewable Energy, LLC (Covanta) Facility, located



at 1155 Conshohocken Road, Plymouth Meeting, PA 19428. The Covanta Facility is an existing municipal waste resource recovery facility located in Plymouth Township, Montgomery County. The comment period will begin on the date that this notice appears and will end at the close of business sixty (60) days thereafter. Application received: June 28, 2023. Deemed administratively complete: July 12, 2023.

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

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

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

##### *Renewal Applications Received*

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

*Contact: Jonathan Adams.*

**Mountain Energy Services, Inc.**, 205 West Tioga Street, Tunkhannock, PA 18657. **License No. PA-AH 0832.** Accepted: July 24, 2023.

**Action Manufacturing Company**, 190 Rittenhouse Circle, Bristol, PA 19007. **License No. PA-AH 0865.** Accepted: July 24, 2023.

**KAG Specialty Products Group, LLC**, 4366 MT Pleasant Street NW, North Canton, OH 44720. **License No. PA-AH 0895.** Accepted: July 26, 2023.

#### **REGULATED MEDICAL AND CHEMOTHERAPEUTIC 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 Act 93 of June 28, 1988 (P.L. 525, No. 93) and Regulations to Transport Regulated Medical and Chemotherapeutic Waste License.**

##### *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.*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. **License No. PA-HC 0015.** Accepted: July 24, 2023.

### **AIR QUALITY**

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

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operat-

ing 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).



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**PLAN APPROVALS**


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**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.**


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

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

**41-00092A: Heavenly Paws Pet Funeral Home and Crematory, LLC**, 316 Rose St., Ste. 2, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. Application received: June 22, 2023. Has applied to the Pennsylvania Department of Environmental Protection (PA DEP) for a plan approval to construct and operate a Matthews Environmental Solutions model IEB-20 animal remains crematory incinerator, consisting of both a primary and secondary combustion chamber. The Department of Environmental Protection's (Department's) review of the information submitted by the company indicates that this air contamination source will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to the air contamination source and the emissions of air contaminants including 25 Pa. Code Chapter 123 and the best available technology (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed source. The emissions from the animal remains crematory incinerator will not exceed the following limits: 0.08 grain per dry standard cubic foot, corrected to 7% oxygen, of particulate matter and visible emissions not to exceed 10% for any 3-minute average and never to exceed 30%. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure the animal remains crematory incinerator will comply with all applicable air quality regulatory requirements: operate the source in accordance with good air pollution control practices and the manufacturer's specifications; operator training requirements; the secondary combustion chamber shall subject all emissions from the primary combustion chamber to a minimum temperature of 1,800°F for a residence time of at least 1 second; natural gas or LPG fuel firing only; restrictions on the types of animal remains to be incinerated; hourly and throughput restrictions; the source's primary burner shall be interlocked with the secondary combustion chamber and no incineration shall occur until the secondary chamber achieves 1,800°F; visible emissions and malodor monitoring requirements; both combustion chambers shall be equipped with temperature monitors/recorders. The facility is a State Only facility. If the Department determines that the animal remains crematory incinerator is constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 41-00092A, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208

West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

*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.*

**67-05016I: Eagle Casting, LLC, Bendix Foundry**, 101 Philadelphia Street, Hanover, PA 17331, Hanover Borough, **York County**. Application received: April 21, 2023. For the replacement of a baghouse at the foundry. The new equipment is a source of PM emissions. PTE for the source controlled by the baghouse is 4.97 tpy PM<sub>10</sub>. The foundry's PTE will be unchanged as the baghouse is a replacement of existing control equipment. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 63 Subpart ZZZZZ National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. Based on these findings, the Department proposes to issue a plan approval for the 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, 484-250-5920.*

**09-0216B: B. Blair Corporation**, 95 Louise Drive, Ivyland, PA 18974, Northampton Borough, **Bucks County**. Application received: March 29, 2023. A plan approval application for the installation of a portable crusher. Blair operates a crushing facility where stone and concrete are (1) trucked to their location in Ivyland, (2) crushed to size specifications and then (3) trucked to a construction site for secondary use. The portable crusher will also be permitted to operate temporarily at construction sites. The crusher will be limited to 2,080 hours per year of operation which will limit the NO<sub>x</sub> emissions from the engines to less than 6.0 tons per year and the PM emissions from the crusher to less than 4.0 tons per year. The Plan Approval contains source testing, monitoring, recordkeeping and work practice requirements along with production restrictions designed to ensure this facility complies with all applicable air quality regulations. 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.

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**OPERATING PERMITS**


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**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.**

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

*Contact: Norm Frederick 570-826-2409.*

**54-00003, Schuylkill Energy Resources, Inc./ St. Nicholas Cogeneration**, P.O. Box 112, Shenandoah, PA 17976-0112, Mahanoy Township, **Schuylkill County**. Application received: December 28, 2022. The Department intends to issue a renewal Title V Operating Permit for the electric generation facility located in Mahanoy Township, Schuylkill County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The main sources at this facility consist of a fluidized bed boiler, ash handling system, flash dryer, and emergency generators. The sources are controlled by baghouses. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOC, also known as Reasonably Available Control Technology (RACT II). Schuylkill Energy Resources, Inc. (SER) qualifies as a major source of NO<sub>x</sub> emissions because facility-wide potential NO<sub>x</sub> emissions are above the RACT II major source threshold (i.e., 100 tons per year). As a result, the NO<sub>x</sub> emitting operations at the facility will be subject to the provisions of the RACT II rule. The NO<sub>x</sub> emitting sources at the facility are Source ID # 031, the Circulating Fluidized Bed (CFB) Boiler, and Source ID # 058, Flash Dryer. The Presumptive RACT II requirements are included in the TV operating permit. Chapter 129, sections 129.111—129.115—Effective on November 12, 2022, upon its publication in the *Pennsylvania Bulletin*, the Environmental Quality Board (EQB) amended Chapter 129 to establish additional presumptive reasonable available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO<sub>x</sub>), and volatile organic compounds (VOC) emissions in existence on or before August 3, 2018. These additional requirements and limitations, collectively known as RACT III, address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Schuylkill operates several sources subject to RACT, including a CFB Boiler (Source ID CU031), Flash Dryer (Source ID CU058), an Emergency Diesel Generator (Source ID CU 029), an Emergency Fire Water Pump (CU059), and an Emergency Boiler Feedwater Pump (CU086) that are subject to RACT; however, the requirements for these sources were previously incorporated into the Title V Operating Permit under RACT II. The Presumptive RACT III requirements are included in the TV operating permit. The proposed Title V 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.

**40-00021, Hazleton Generation LLC/Hazle Twp.**, 120 Maplewood Drive, Hazle Township, PA 18202-9266, Hazle Township, **Luzerne County**. Application received: July 19, 2022. The Department intends to issue a renewal Title V Operating Permit for the electric generation facility located in Hazle Township, Luzerne County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The main

sources at this facility consist of gas turbines. The sources are controlled by water injection. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOC, also known as Reasonably Available Control Technology (RACT II). Hazleton Generation qualifies as a major source of NO<sub>x</sub> emissions because facility-wide potential NO<sub>x</sub> emissions are above the RACT II major source threshold (i.e., 100 tons per year). As a result, the NO<sub>x</sub> emitting operations at the facility will be subject to the provisions of the RACT II rule. The NO<sub>x</sub> emitting sources at the facility are (Source ID # 102A), the Gas Turbine 2 Dual-Fuel Turbn w/water inj. winlet fogging, (Source ID # 103A), the Gas Turbine 3 Dual-Fuel Turbn w/water inj. winlet fogging, (Source ID # 104A), the Gas Turbine 4 Dual-Fuel Turbn w/water inj. winlet fogging, and (Source ID NGH-1), Large Natural Gas Heater. The Presumptive RACT II requirements are included in the TV operating permit. Chapter 129, sections 129.111—129.115—Effective on November 12, 2022, upon its publication in the *Pennsylvania Bulletin*, the Environmental Quality Board (EQB) amended Chapter 129 to establish additional presumptive reasonable available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO<sub>x</sub>), and volatile organic compounds (VOC) emissions in existence on or before August 3, 2018. These additional requirements and limitations, collectively known as RACT III, address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Hazleton Generation operates several sources subject to RACT, including (Source ID # 102A), the Gas Turbine 2 Dual-Fuel Turbn w/water inj. winlet fogging, (Source ID # 103A), the Gas Turbine 3 Dual-Fuel Turbn w/water inj. winlet fogging, (Source ID # 104A), the Gas Turbine 4 Dual-Fuel Turbn w/water inj. winlet fogging, and (Source ID NGH-1), Large Natural Gas Heater, that are subject to RACT; however, the requirements for these sources were previously incorporated into the Title V Operating Permit under RACT II. The Presumptive RACT III requirements are included in the TV operating permit. The proposed Title V 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.

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

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

**22-05012, Cleveland-Cliffs Steelton LLC**, 215 South Front Street, Steelton, PA 17113-2538, Steelton Borough, **Dauphin County**. Application received: December 22, 2022.

Approval of a Reasonably Available Control Technology (RACT) 3 plan for the Cleveland-Cliffs Steelton LLC, as a significant modification to its applicable Title V operating permit.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection (Department, DEP) has made a preliminary determination to approve a RACT 3 plan for the Cleveland-Cliffs

Steelton LLC. The RACT 3 plan approval, if approved by the Department, will be issued as a significant modification to the facility's Title V operating permit (22-05012).

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

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

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

##### I. Sources 232C (20" Mill Reheat Furnace) and 301 (35" Mill Reheat Furnaces 3 & 4)

(a) The permittee shall perform an annual adjustment and/or tune-up on each unit which shall include the following:

(1) Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

(2) Inspection of the flame pattern or characteristics and adjustments necessary to minimize emissions of NO<sub>x</sub> and CO.

(3) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

(b) The company shall maintain a permanently bound log book or other method approved by the Department. This log shall contain at a minimum, the following information.

- (1) The date of the tuning procedure
- (2) The name of the service company and technicians
- (3) The final operating rate or load
- (4) The final NO<sub>x</sub> and CO emission rates
- (5) The final excess oxygen rate
- (6) Any other information required by this approval

(c) The annual adjustment for the boilers shall be in accordance with the EPA document "Combustion Efficiency Optimization Manual for Operations of Oil and Gas-Fired Boilers," September 1983 (EPA-340/1-83-023) or equivalent procedures approved in writing by the Department.

(d) All adjustments and optimization of the units must minimize pollution and be in accordance with good air pollution control practices.

##### II. Source 401 (Soaking Pit Batteries 4—6)

(a) The permittee shall maintain and adhere to an operation and maintenance plan for Source 401, which

shall address good operation and maintenance practices for the minimization of NO<sub>x</sub> and/or manufacturer's operating specifications.

(b) The permittee shall maintain records of any maintenance or modifications performed on Source 401.

(c) The permittee shall calculate and record the actual annual NO<sub>x</sub> and VOC emissions using appropriate emissions factors from U.S. EPA Publication AP-42 or appropriate alternative emission factors based on PA DEP review, coupled with appropriate operational and throughput 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 § 129.115(f) and (k).

III. Sources 124 (Caster Vents), 132A (44" Mill Hot Rolling Operations), 132B (28"/35" Mill Hot Rolling Operations), 132C (20" Mill Hot Rolling Operations), 501B (Ladle Refining Furnace) and 922 (Compressed Air System Freeze Protection)

(a) The permittee shall maintain and adhere to an operation and maintenance plan for Sources 124, 132A, 132B, 132C, 501B, and 922, which shall address good operation and maintenance practices for the minimization of VOC emissions, and/or manufacturer's operating specifications.

(b) The permittee shall maintain records of any maintenance or modifications performed on Sources 124, 132A, 132B, 132C, 501B, and 922.

(c) The permittee shall calculate and record the actual annual VOC emissions from Sources 124, 132A, 132B, 132C, 501B, and 922 using appropriate emissions factors from U.S. EPA Publication AP-42 or appropriate alternative emission factors based on PA DEP review, coupled with appropriate operational and throughput 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 § 129.115(f) and (k).

Upon approval of the case-by-case RACT 3 requirements as a SIP revision, the case-by-case RACT 2 conditions in Group 15 shall be superseded by the case-by-case RACT 3 requirements, except for the requirements for Source ID 501A. Except for those conditions that will not be superseded, the RACT 3 conditions are the same as the RACT 2 requirements.

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Thomas Hanlon, Environmental Engineering Manager, Air Quality Program, at 909 Elmerton Avenue, Harrisburg, PA 17110, or at thanlon@pa.gov on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on September 18, 2023.

Each written submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT 3 plan approval, including the permit number, and a concise statement regarding the RACT 3 plan approval provision or require-



ment that the person is commenting on and the relevancy of the information or objections to issuance of the RACT 3 plan approval.

**Public hearing.** A public hearing will be held on September 26, 2023, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed RACT 3 plan approval action and the proposed SIP revision. To register to speak at the hearing, please contact Tom Hanlon at 717.705.4862. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be the Friday before the hearing.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to Tom Hanlon at 909 Elmerton Avenue, Harrisburg, PA 17110, or at thanlon@pa.gov.

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

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

*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.*

**ORIS Number: 55298, Fairless Energy LLC, 50 Energy Drive, Fairless Hills, PA 19030, Falls Township, Bucks County.** Application received: July 6, 2023. Fairless Energy, LLC submitted for the renewal of facility's Phase II (Title IV) Acid Rain Permit located in Falls Township, Bucks County. The affected units at the facility consist of four (4) combined cycle gas turbines with duct burners. The affected units shall hold sufficient SO<sub>2</sub> allowances in accordance with 40 CFR 72.9(c)(1). All monitoring, recordkeeping, and reporting shall be in conformance with 25 Pa. Code § 127.531 and the Acid Rain Permit application. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

**09-00030, Brightsmith LLC, 120 Enterprise Ave, Morrisville, PA 19067, Falls Township, Bucks County.** Application received: July 1, 2021. This action is a renewal of the Title V Operating Permit. The facility is primarily involved in metal (steel, aluminum, and galvanized steel) coil coating. The coated metal is rewound and wrapped for shipment to end producers. Brightsmith operates space heaters, paint bake ovens, prime oven oxidizers, coil coating cleanup and a laminator/embosser. No changes have taken place at this facility that were not previously permitted. The permit contains various emission limits, which include the facility wide volatile organic compound (VOC) of 49.99 tpy, VOC limit for coil coating line during clean up shall not exceed 26.8 tpy, the combined Nitrogen Oxide (NO<sub>x</sub>) limit for prime and finisher oxidizers during production shall not exceed 10.0 lb/hr and during clean up NO<sub>x</sub> less shall not exceed 28.7 tpy. The permit also

contains monitoring, recordkeeping and reporting requirements. The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

### OPERATING PERMITS

#### Notice of Intent to Issue 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.*

**48-00096, Custom Laminating Corporation, 5000 River Road, Mt. Bethel, PA 19343-5610, Upper Mount Bethel Township, Northampton County.** Application received: January 27, 2023. The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for this laminated plastics plate, sheet (except packaging), and shape manufacturing facility located in Upper Mount Bethel Township, Northampton County. The main sources at this facility consists of surface treaters laminating lines, mixing process, and emergency generators. The control devices for the sources are baghouses. The sources are considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), 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.

**48-00097, Lamtec Corporation, 5010 River Road, Mt. Bethel, PA 19343-5610, Upper Mount Bethel Township, Northampton County.** Application received: January 30, 2023. The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for this paper bag and coated and treated paper manufacturing facility located in Upper Mount Bethel Township, Northampton County. The main sources at this facility consists of thirteen (13) laminated lines, mixing processes, and flexographic and ink jet printers. The control devices for the sources are baghouses. The sources are considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), 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.

**48-00099, Cap Glass Allentown LLC/Greenstar, 799 Smith Ln, Northampton, PA 18067-1500, Northampton Borough, Northampton County.** Application received: December 7, 2022. The Department intends to issue a renewal State-Only (Natural Minor) Permit for this manufacturing of Flat Glass facility located in Northampton Borough, Northampton County. The main sources at this facility consists of glass sorting operations, hazemag glass crusher, and trommel. The control devices are baghouses. The sources are considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), 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.

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

**45-00018, H&K Group Inc.**, P.O. Box 196, 2052 Lucon Rd, Skippack, PA 19474, Tobyhanna Township, **Monroe County**. Application received: May 9, 2023. The Department intends to issue a renewal State-Only Operating Permit for their asphalt plant. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00051, PA Department of Corrections**, 301 Morea Rd, Frackville, PA 17932, West Mahanoy Township, **Schuylkill County**. Application received: June 6, 2023. The Department intends to issue a renewal State-Only Operating Permit for the correctional facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**27-00042, A & S Production, Inc.**, P.O. Box 189, Endeavor, PA 16322-0189, Hickory Township, **Forest County**. Application received: July 20, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the natural gas processing station. The facility's primary emission sources include: one (1) two-stroke lean-burn natural gas-fired engine (180 bhp), one (1) four-stroke rich burn natural gas-fired engine (145 bhp), a 700,000 scf/day TEG (tri-ethylene glycol) natural gas dehydrator and its 0.06 mmBtu/hr reboiler, two (2) 7,800-gallon condensate storage tanks, and facility fugitives. The potential emissions of the primary pollutants from the facility are as follows: PM<sub>10</sub> and PM<sub>2.5</sub>: 0.36 TPY, NO<sub>x</sub>: 12.60 TPY, SO<sub>x</sub>: 0.01 TPY, CO: 4.67 TPY, and VOC: 5.96 TPY; thus, the facility is a natural minor. The two engines are subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for stationary RICE, the TEG dehydrator is subject to 40 CFR Part 63, Subpart HH, NESHAP for natural gas production facilities, and the facility is subject to 40 CFR Part 60, Subpart KKK, NSPS for equipment leaks of VOC. Fugitive emission sources are subject to the newly promulgated regulations of 25 Pa. Code §§ 129.131—129.140, Control of VOC Emissions from Conventional Oil and Natural Gas Sources. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00890, Burton Quinn Scott Cremation & Funeral Services, Inc.**, 602 W 10th St, Erie, PA 16502, City of Erie, **Erie County**. Application received: August 1, 2022. The Department intends to renew the State Only operating permit for the crematory owned and operated by Burton Quinn Scott Cremation & Funeral Services, Inc. The facility is a Natural Minor. The conditions of the previous plan approvals and operating permit are incor-

porated into the permit renewal. The potential emissions from the facility are as follows: less than 1 tpy PM; 1.1 tpy NO<sub>x</sub>; less than 1 tpy CO; less than 1 tpy VOC. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**33-00010, Humphrey Charcoal**, P.O. Box 440, Brookville, PA 15825, Pine Creek Township, **Jefferson County**. Application received: August 23, 2022. The Department intends to renew a State Only Operating Permit for Humphrey Charcoal's charcoal briquette processing and bagging facility. The facility is a Natural Minor. The primary sources at the facility include a natural gas space heater, a natural gas boiler rated < 2.5 million Btu/hr, material stockpiles, material handling, charcoal briquette process, lump charcoal process, a natural gas briquette dryer, and bagging operations. Potential emissions from the facility are NO<sub>x</sub> < 2 tpy; and PM < 1 tpy. 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.

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

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

**OP22-000025, The Washington**, 510-530 Walnut Street, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**. Application received: June 6, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal Natural Minor Operating Permit (NMOP) for an establishment primarily engaged in business in the City of Philadelphia, Philadelphia County. The facility's air emission sources include the following: four (4) 6.0 Million British Thermal Units per hour (MMBtu/hr) boilers firing natural gas (NG) and No. 2 oil; one (1) 1.5 MMBtu/hr boiler firing NG; one (1) 288 Horse Power (HP) emergency generator firing NG; one (1) 354 HP emergency generator firing NG; and one (1) 196 HP fire pump firing diesel. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3, and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS\_Service\_Requests@phila.gov. Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to DPHAMS\_Service\_Requests@phila.gov with "The Washington, OP22-000025" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS\_Service\_Requests@Phila.Gov and/or 215-685-7572. Please include: the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the

program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested.”

**OP22-00004, SJA Constructions**, 3600 S 26th Street, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Application received: August 29, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal Minor State Only Operating Permit for the operation of a concrete plant facility in the City of Philadelphia, Philadelphia County. The facility's air emission source includes two cement bins, a mixer, a baghouse, and a 200 tons/hour electric-powered impact crusher. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426. Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

*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.*

**44-03007, Hoenstine Funeral Home, Inc.**, 75 Logan Street, Lewistown, PA 17044-1860, Lewistown Borough, **Mifflin County**. Application received: March 28, 2023. For the operation of a human crematorium. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 1.58 tpy PM, 1.77 tpy NO<sub>x</sub>, 1.55 tpy CO, 0.14 tpy VOC, and less than 1 tpy SO<sub>2</sub>. 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.

**21-03023, The AMES Co. Inc., West Shore Facility**, 465 Railroad Avenue, Camp Hill, PA 17011, Hampden Township, **Cumberland County**. Application received: July 20, 2023. To issue a renewal of the facility's State-Only Operating Permit for the operation of a hand and lawn tool manufacturing facility. This facility-wide PTE is calculated to be: 46.07 tpy VOC, 11.50 tpy PM<sub>10/2.5</sub>, 10.92 tpy NO<sub>x</sub>, 9.19 tpy CO and less than 1 tpy of SO<sub>2</sub>. 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. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface Coating Processes, 25 Pa. Code § 129.52d (Control of VOC emissions from miscellaneous metal parts surface coating processes), and 40 CFR 63 Subpart ZZZZ National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

**06-03095, Direct LTx**, 2561 Bernville Road, Reading, PA 19605-9611, Bern Township, **Berks County**. Application received: April 11, 2023. To issue a State-Only Operating Permit for the operation of a data processing center with six (6) emergency generators. Potential emissions from the facility are estimated to be 5.13 tons per year CO, 20.85 tons per year NO<sub>x</sub>, 0.94 ton per year PM<sub>x</sub>, 1.37 tons per year SO<sub>x</sub>, 1.54 tons per year VOC, and 1.03 tons per year of combined HAPs. The Operating Permit will include emission limits, performance testing and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 123.13, 123.21 and Chapter 130 Subchapters C and D, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR 63 Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

**36-05115, MGS, Inc.**, 178 Muddy Creek Church Rd., Denver, PA 17517, East Cocalico Township, **Lancaster County**. Application received: April 30, 2023. For their specialty equipment trailer manufacturing operation. The facility's potential to emit (PTE) is 4.38 tons of CO, 5.22 tons of NO<sub>x</sub>, 0.40 ton of PM, 0.03 ton SO<sub>x</sub>, 5.47 tons of VOC and 0.46 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 25 Pa. Code § 129.63 Degreasing Operations, 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, and 40 CFR Part 63, Subpart HHHHHH—National Emission Standards of Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coatings Operations at Area Sources.

**06-03009, Bally Block Company**, 30 South Seventh Street, Bally, PA 19503, Bally Borough, **Berks County**. Application received: February 7, 2023. For the wood manufacturing operations. The actual emissions from the facility in 2022 year are estimated at 8.2 tons of VOC, 4.9 tons of HAP, 13.5 tons of PM, 27.1 tons of NO<sub>x</sub> and 39.1 tons of CO. 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 40 CFR 63 Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources).

**06-03102, City of Reading**, 815 Washington Street, Reading, PA 19601, City of Reading, **Berks County**. Application received: August 31, 2022. To issue a State Only Operating Permit for the wastewater treatment plant. The potential yearly emissions from the sources covered by the permit are estimated at 3 tons of nitrogen oxides, 5 tpy of VOC and less than 1 ton each of other pollutants. 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 40 CFR 63 Subpart ZZZZ.

**06-05082, Dairy Farmers of America**, 100 McKinley Avenue, Reading, PA 19605, Muhlenberg Township, **Berks County**. Application received: December 30, 2022. To issue a State Only Operating Permit for the milk products processing plant. The potential emissions from the facility are estimated at 34.7 tpy of NO<sub>x</sub>, 29.1 tpy of CO, 2.6 tpy of PM, 0.21 tpy of SO<sub>x</sub>, and 1.9 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, record-keeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 1901, 484-250-5900.*

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

**09-00083, Hop Energy LLC/Brinkers Fuels**, 445 N West St, Doylestown, PA 18901-2538, Doylestown Township, **Bucks County**. Application received: April 4, 2023. This action is for the renewal of the State Only (Natural Minor) Operating Permit. The company operates and maintains a bulk gasoline plant, underground gasoline storage tanks, and aboveground storage tanks for the storage of home heating oil, on-road diesel fuel, and off-road diesel fuel. Insignificant sources at the facility include a 40-kW emergency generator that burns propane, a No. 2 fuel oil furnace for heating the office rated at 175,000 Btu/hr and a 175,000 Btu/hr waste oil furnace in the garage. Volatile organic compounds (VOCs) are the main emissions from this facility, and the facility has the potential to emit 5.8 tons of VOC per year. The requirements of 40 CFR Part 63 Subparts BBBB and CCCCC apply to the bulk gasoline plant. 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.

**46-00007, Holy Redeemer Hospital & Medical Center**, 1648 Huntingdon Pike, Meadowbrook, PA 19047, Abington Township, **Montgomery County**. Application received: September 7, 2022. This action is for the renewal of a Synthetic Minor Operating Permit for two 12.247 MMBtu/hr boilers), one 20.4 MMBtu/hr boiler, and three emergency generators. The three boilers operate on natural gas and No. 2 Fuel Oil, and the three emergency generators operate on No. 2 Fuel Oil. The permit limits the amount of nitrogen oxides (NO<sub>x</sub>) to less than 25 tons per 12-month rolling period including a fuel restriction to 183 MMSCF for natural gas and 1,278,000 gallons of No. 2 fuel oil for the three boilers to assure compliance with the NO<sub>x</sub> limit. The permit contains monitoring and recordkeeping requirements to address applicable limitations. 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.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

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

### *Coal Applications*

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

Table 1

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

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

Contact: Bonnie Herbert, Clerical Assistant 3.

**Mining Permit No. 30020701. NPDES No. PA0235482. Consol Pennsylvania Coal Company LLC**, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Gray Townships, **Greene County**. To renew the permit and related NPDES permit. Application received: June 23, 2023. Accepted: August 1, 2023.

**Mining Permit No. 56111301. NPDES No. PA0236071. LCT Energy, LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15905, Summit Township and Garrett Borough, **Somerset County**. To renew the permit and related NPDES permit. Application received: June 20, 2023. Accepted: August 3, 2023.

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

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

**Mining Permit No. 07920101. NPDES No. PA0599581. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, Allegheny Township, **Blair County**. NPDES renewal affecting 474.0 acres. Receiving streams: unnamed tributaries to/and Sugar run classified for the following use: CWF. Application received: August 2, 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. 63080102. NPDES No. PA0251429. Neiswonger Construction, Inc.**, 17592 Route 322, Strattanville, PA 16258, Somerset Township, **Washington County**. Renewal permit for continued mining to an existing bituminous surface mine and related NPDES permit, affecting 187.8 acres of which 0.98 acre are wetland acres. Receiving streams: Unnamed tributaries to Center Branch Pigeon Creek; classified for the following use: WWF. Application received: August 2, 2023/August 2, 2023.

#### Noncoal Applications

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

Table 2

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. 21020301. NPDES No. PA0224251. Pennsy Supply, Inc.**, 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, Penn Township, **Cumberland County**. Renewal of NPDES Permit. Receiving streams: unnamed intermittent tributary to Mt. Rock Spring Creek to Conodoguinet Creek to Susquehanna River classified for the following uses: WWF. Application received: August 1, 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.

#### *Noncoal NPDES Draft 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.*

**NPDES No. PA0249319. Mining Permit No. 31020302. Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, Suite 203, State College, PA 16802, Morris Township, **Huntingdon County**. Revision of an NPDES permit affecting 182.1 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to Frankstown Branch Juniata River, classified for the following use: WWF. Application received: June 20, 2023.

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

The following treated wastewater outfalls discharge to a sinkhole to unnamed tributary to Frankstown Branch Juniata River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Facility	Intermittent
002	New	Treatment Facility	Intermittent

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

<i>Outfalls 001 and 002 (All Discharges) Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Flow (mgd)	XXX	XXX	XXX	Report

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

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**NPDES Permit No. PA0225690. Mining Permit No. 7775SM6. Glen-Gery Corp.**, 1166 Spring Street, Wyomissing, PA 19610, Perry Township, **Berks County**. Renewal and revision of NPDES permit affecting 115.0 acres. Receiving stream: UNT of Schuylkill River, classified for the following use: WWF. TMDL for PCBs. Non-Discharging Best Management Practices will be in effect. Application received: October 11, 2022.

**NPDES Permit No. PA0020451. Mining Permit No. 4873SM1. Magnesita Refractories, Co.**, 425 Salem Church Road, York, PA 17408, West Manchester Township, **York County**. Application received: July 21, 2022. Renew NPDES permit affecting 477.7 acres. Receiving streams: UNT to Honey Run, classified for the following uses: TSF, MF and UNT to Codorus Creek, classified for the following uses: WWF, MF. Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities. The following treated wastewater outfalls discharge to UNT to Honey Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
009	Existing	Treatment Facility Outfall	3.50 MGD

The following treated wastewater outfalls discharge to UNT to Codorus Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
004	Existing	Treatment Facility Outfall	1.09 MGD
008	Existing	Treatment Facility Outfall	1.38 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH <sup>i</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Outfall 004 Discharge (MGD)		1.09	3.70	
Outfall 008 Discharge (MGD)		1.38	4.70	
Outfall 009 Discharge (MGD)		3.50	4.90	
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Chloride (mg/L)			Monitor And Report	
Oil and Grease (mg/L)			Monitor And Report	

<sup>i</sup>This 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)).**

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

*Contact: RA-EPREGIONALPERMIT@pa.gov.*

**E6783223-005. Pennsylvania Turnpike Commission**, 700 S. Eisenhower Blvd, Middletown, PA 17057, Fairview Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 2, 2023.

To authorize and maintain the following water obstructions and encroachments associated with the New Cumberland Maintenance Facility: To place fill in approximately 0.03 acre of PFO wetlands equal within the Susquehanna River Watershed and to relocate and enclose 135 linear feet of a tributary to Marsh Run (WWF) for the purpose of redeveloping an existing maintenance facility. The project is located at 519 Marsh Run Road (Steelton, PA Quadrangle) in Fairview Township, York County. Latitude: 40.199209°, Longitude: -76.839115°.

*Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.*

*Contact: RA-EPEASTERNOPRG@pa.gov.*

**E4129-133. Pennsylvania General Energy Company LLC**, 120 Market Street, Warren, PA 16365, Gamble Township and Plunketts Creek Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 25, 2023.

Original Application E4129-133 (APS # 1009923; AUTH # 1302865) was an Individual—Joint Permit to construct, operate and maintain a permanent surface freshwater withdrawal (SFW) and utility trench/corridor under Loyalsock Creek along State Route 87 in Gamble and Plunketts Creek Township, Lycoming County. Applicant and contractor began construction on August 4, 2022.

Application E4129-133 (APS # 1009923; AUTH # 1448450) is a Major Amendment to the previously referenced Individual—Joint Permit Application to reflect as-built conditions of the Loyalsock/Shawnee Freshwater System project.

The following changes were made to the original permitted design:

- The pump station vault was changed from circular to square due to constructability and the availability of square precast structures.
- The pump station and valve vault were pushed back approximately 10-ft for constructability.
- The intake vault and screens were increased to reduce short term maintenance and reduce the likelihood of fouling/clogging of the intake screen due to the buried installation. The screen diameter was increased to allow for a greater factor of safety with respect to clogging and

reduce in-stream maintenance. The installed screen meets PAFBC and SRBC standards for 0.10" opening and provides for significantly reduced intake velocity resulting in reduced entrapment of species and fines.

- Overall intake location did not change from the proposed location.
- Only three (3) of the five (5) proposed utility pipelines were installed within the utility corridor across the Loyalsock Creek:
  - Single 16-inch diameter steel natural gas pipeline
  - Single 10-inch diameter HDPE waterline
  - Single 4-inch diameter HDPE communications conduit
- The overall total permanent stream impacts have decreased from 1,274.1 SF to 957 SF.

The project will result in a total of 380 LF (957 SF) of permanent and 268 LF (20,158 SF) of temporary stream impacts and 397 SF (0.0091 acre) of permanent and 8,729 SF (0.2004 acre) of temporary floodway impacts all for the purpose of constructing a freshwater withdrawal system and utility corridor under Loyalsock Creek to expand freshwater pipeline systems for Marcellus well development. No wetland impacts are proposed.

**STREAM IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Loyalsock Creek	Plunketts Creek Montoursville N.	Withdrawal System	TSF; EV	Stocked			325	127	41.355167 76.888760
Loyalsock Creek	Gamble Montoursville N.	Utility Trench/Corridor	TSF; EV	Stocked	19,496	240	600	240	41.355312 76.888918
Loyalsock Creek	Gamble Montoursville N.	Utility Trench/Corridor	TSF; EV	Stocked	593	13	32	13	41.355621 76.889681
Loyalsock Creek	Gamble Montoursville N.	Temporary Bridge	TSF; EV	Stocked	163	15			41.355920 76.889301
TOTAL IMPACTS					20,252	268	957	380	

**FLOODWAY IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Loyalsock Creek	Plunketts Creek Montoursville N.	Withdrawal System			286	45	41.355167 76.888760
Loyalsock Creek	Gamble Montoursville N.	Utility Trench/Corridor	8,744	219	111	45	41.355312 76.888918
TOTAL IMPACTS			8,744	219	397	90	

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

*Contact: Stephen Kardoheley, Project Manager, 814-342-8216.*

**E5304223-003. Carl Butler**, 3204 Trafalgar Cr, Saint Augustine, FL 32092, Hebron Township, **Potter County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 20, 2023.

Carl Butler is applying for a Chapter 105 standard joint permit for construction of a driveway and bridge spanning Steer Brook for access to property. The proposed location is 0.8 mile north of the SR 44 intersection with SR 49. There are no anticipated adverse impacts to waters of the U.S. or aquatic resources from this construction project. The project is located within the floodway of Steer Brook which is listed in 25 Pa. Code Chapter 93 designation use of High-Quality—Cold-Water Fishery (HQ-CWF). Latitude: 41° 49' 32.45", Longitude: -78° 0' 50.97".

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

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

**E2506219-002. Jon A Gerbracht**, 206 Forest Drive, Erie, PA 16505, Millcreek Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 17, 2023.

To amend the forest park pathway project along a UNT to Lake Erie and a wetland extending north from Clifton Drive to the beachfront of Lake Erie in the Forest Park Subdivision in order to construct and maintain a lower breakwall on the lakeside of the existing cottage constructed in 2011 consisting of sheet piling, concrete, and aggregate fill impacting approximately 0.031 acre of Lake Erie for the protection of the existing structure, sump pump and sewer force main. Latitude: 42.105023°, Longitude: -80.167524°.

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

*Contact: Dana Drake, Program Manager, 412-442-4000.*

**E0405223-002. Chippewa Township**, 2811 Darlington Road, Beaver Falls, PA 15010, Chippewa Township, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: March 13, 2023.

**ver County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: March 13, 2023.

The applicant proposes to:

1. Remove an existing 36' x 9' pipe arch CMP pipe culvert (Culv 01), and to construct and maintain a replacement, 40' x 15' elliptical CMP, which carries Woodland Rd over Brady Run (TSF).

2. Construct and maintain stream bank stabilization, consisting of R-8 rip-rap, along 44 lf of Brady Run, upstream of Culv 01.

3. Construct and maintain stream bank stabilization by installing R-8 rip-rap along 64 lf of Brady Run, downstream of Culv 01.

4. Remove an existing culvert (Culv 02), consisting of two elliptical CMP 36' x 3' culverts, and to construct and maintain a replacement 40' x 11' elliptical CMP, which carries Woodland Rd over an unnamed tributary (UNT) to Brady Run (TSF).

5. Construct and maintain stream bank stabilization by installing R-8 rip-rap along 32 lf, of a UNT to Brady Run, upstream of Culv 02.

6. Construct and maintain stream bank stabilization by installing R-8 rip-rap along 122 lf, of a UNT to Brady Run, downstream of Culv 02.

7. Remove two existing concrete pads from Brady Run, one near the inlet, the other near the outlet, of Culv 01.

8. Install a step pool of 15' by 15' at a 3' depth within the watercourse of UNT to Brady Run, downstream of Culv 01.

9. Install a step pool of 22' by 20' at a 3' depth within the watercourse of Brady Run, downstream of the aforementioned step pool.

For the purpose of replacing the existing deteriorated culverts and stabilizing the streambed to improve the passage of aquatic life. The project will cumulatively and permanently impact 357 LF of watercourse and 0.292 acre of floodway. The project will cumulatively and temporarily impact 253 LF of watercourse and 0.585 acre of floodway. The project site is located near the intersection of Constitution Blvd and Woodland Rd (Beaver Falls, PA USGS topographic quadrangle; Sub-basin 20B) Latitude: 40° 45' 33.43", Longitude: -80° 21' 10.64".

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## ACTIONS

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD090058	Chapter 102 Individual NPDES Permit	Issued	Quaker Pointe Hotels LLC 1915 John Fries Highway Quakertown, PA 18951-2136	Milford Township Bucks County	SERO
PAD100019	Chapter 102 Individual NPDES Permit	Issued	Summit Township Authority 502 Bonniebrook Road Butler, PA 16002-0324	Summit Township Butler County	NWRO
PAD150293	Chapter 102 Individual NPDES Permit	Issued	Moose Meadows Properties LLC 171 Grove Road Elverson, PA 19520-9015	East Nantmeal Township Chester County	SERO
PAD150299	Chapter 102 Individual NPDES Permit	Issued	Applebrook Golf Course 100 Line Road Malvern, PA 19355-3318	East Goshen Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD210009	Chapter 102 Individual NPDES Permit	Issued	Trinity MSB LLC 430 N Front Street Wormleysburg, PA 17043-1114	Monroe Township Cumberland County	SCRO
PAD350036	Chapter 102 Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Scranton City Lackawanna County	NERO
PAD440020	Chapter 102 Individual NPDES Permit	Issued	Department of General Services 2568 Park Center Boulevard State College, PA 16801-3005	Brown Township Mifflin County	SCRO
PAD510195	Chapter 102 Individual NPDES Permit	Issued	City of Philadelphia 1401 JFK Boulevard Suite 730 Philadelphia, PA 19102	Philadelphia City Philadelphia County	SERO
PAD510227	Chapter 102 Individual NPDES Permit	Issued	3060 S 61st St Owner LLC 2 Park Avenue 14th Floor New York, NY 10016	Philadelphia City Philadelphia County	SERO
PA0255211	Industrial Stormwater Individual NPDES Permit	Issued	Clairton Slag Inc. P.O. Box 532 West Elizabeth, PA 15088-0532	Jefferson Hills Borough Allegheny County	SWRO
1513879	Joint DEP/PFBC Pesticides Permit	Issued	Conventry Village 585 Coventry Lane West Chester, PA 19382-7674	Atglen Borough Chester County	SERO
1514818	Joint DEP/PFBC Pesticides Permit	Issued	Orchard Valley HOA 112 S Orchard Avenue Kennett Square, PA 19348-1847	Kennett Square Borough Chester County	SERO
1521811	Joint DEP/PFBC Pesticides Permit	Issued	Akins Jennifer 1680 Waterglen Drive West Chester, PA 19382-6900	Pocopson Township Chester County	SERO
2321806	Joint DEP/PFBC Pesticides Permit	Issued	Massey Kristin 3710 Liseter Road Newtown Square, PA 19073-3530	Newtown Township Delaware County	SERO
3123801	Joint DEP/PFBC Pesticides Permit	Issued	Globe Run Rod & Gun Club 3417 Alabama Avenue Alexandria, VA 22305-1737	West Township Huntingdon County	SCRO
3513832	Joint DEP/PFBC Pesticides Permit	Issued	Marworth Geisinger P.O. Box 36 Waverly, PA 18471-0036	Waverly Township Lackawanna County	NERO
4013820	Joint DEP/PFBC Pesticides Permit	Issued	Nuangola Lake Association 26 Nuangola Avenue Mountain Top, PA 18707-9124	Nuangola Borough Luzerne County	NERO
4013826	Joint DEP/PFBC Pesticides Permit	Issued	Meadow Run Mountain Lake Park Association P.O. Box 112 Bear Creek, PA 18602-0112	Bear Creek Township Luzerne County	NERO
4523801	Joint DEP/PFBC Pesticides Permit	Issued	Rinschler Bruce 134 Kings Pond Road East Stroudsburg, PA 18301-7753	Smithfield Township Monroe County	NERO
4616822	Joint DEP/PFBC Pesticides Permit	Issued	Upper Pottsgrove Township Montgomery County 1409 Farmington Avenue Pottstown, PA 19464-1894	Upper Pottsgrove Township Montgomery County	SERO
4616825	Joint DEP/PFBC Pesticides Permit	Issued	Newbury Community Association 2131 N Broad Street Suite 102 Lansdale, PA 19446-1083	Upper Gwynedd Township Montgomery County	SERO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4619802	Joint DEP/PFBC Pesticides Permit	Issued	Addison Reserve HOA 975 Easton Road Suite 102 Warrington, PA 18976	Whitpain Township Montgomery County	SERO
4823803	Joint DEP/PFBC Pesticides Permit	Issued	Benincasa Arena Amanda 6135 Muhlenberg Court Bethlehem, PA 18017-9136	Hanover Township Northampton County	NERO
5813827	Joint DEP/PFBC Pesticides Permit	Issued	Lake Chrisann Association 226 Andrew Drive Newtown, PA 18940-2221	Bridgewater Township Susquehanna County	NERO
6421811	Joint DEP/PFBC Pesticides Permit	Issued	Keen Lake Camping & Cottage Resort 155 Keen Lake Road Waymart, PA 18472-3077	Canaan Township Wayne County	NERO
6623803	Joint DEP/PFBC Pesticides Permit	Issued	Lake Sheridan Cottagers Association P.O. Box 305 Factoryville, PA 18419-0305	Nicholson Township Wyoming County	NERO
1423402	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Burkholders Farm Market 107 Market Drive Spring Mills, PA 16875-8420	Penn Township Centre County	NCRO
1502403	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO
PAI132252	MS4 Individual NPDES Permit	Waived	Tatamy Borough Northampton County P.O. Box 218 423 Broad Street Tatamy, PA 18085-0218	Tatamy Borough Northampton County	NERO
6369406	Major Sewage Treatment Facility Individual WQM Permit	Issued	Peters Township Sanitary Authority Washington County 111 Bell Drive McMurray, PA 15317-3415	Peters Township Washington County	SWRO
PA0001236	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Eaton Corp 1 Tuscarawas Road Beaver, PA 15009-1720	Vanport Township Beaver County	SWRO
PA0002038	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Borchers American Inc. P.O. Box 111 Franklin, PA 16323-111	Sugarcreek Borough Venango County	NWRO
PA0061336	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 1799 Jumper Road Wilkes-Barre, PA 18702-8032	Pittston Township Luzerne County	NERO
PA0064343	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 1799 Jumper Road Wilkes-Barre, PA 18702-8032	Hamilton Township Monroe County	NERO
PA0204030	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Calgon Carbon Corp P.O. Box 717 Pittsburgh, PA 15230-0717	Neville Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0221589	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Economic Alliance Foundation Inc. 798 Bessemer Street Meadville, PA 16335-1856	Linesville Borough Crawford County	NWRO
PA0096989	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Kuntz Assoc Inc. 4036 Route 217 Highway N Blairsville, PA 15717-5608	Armstrong Township Indiana County	NWRO
PA0113697	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	AG Bloom 1 LLC 948 Ben Franklin Highway E Douglassville, PA 19518-9547	Mount Pleasant Township Columbia County	NCRO
PA0050466	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	East Vincent Township Chester County 262 Ridge Road Spring City, PA 19475-2203	East Vincent Township Chester County	SERO
PA0238619	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Chestnut Grove Master Owners Assoc. 4900 Perry Highway Bldg 1 Suite 300 Pittsburgh, PA 15229-2220	Franklin Township Butler County	NWRO
PA0253812	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Glendale Valley Municipal Authority 1800 Beaver Valley Road Flinton, PA 16640-9000	Reade Township Cambria County	SWRO
0486201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Eaton Corp 1 Tuscarawas Road Beaver, PA 15009-1720	Vanport Township Beaver County	SWRO
1987409	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Ag Bloom 1 LLC 948 Ben Franklin Highway E Douglassville, PA 19518-9547	Mount Pleasant Township Columbia County	NCRO
NOEXNE050	No Exposure Certification	Issued	UGI Utilities Inc. 1 UGI Center Wilkes-Barre, PA 18711-0600	Forty Fort Borough Luzerne County	NERO
NOEXSC103	No Exposure Certification	Issued	FedEx Corp 3620 Hacks Cross Road Bldg B 3rd Floor Memphis, TN 38125-8800	East Lampeter Township Lancaster County	SCRO
NOEXSE262	No Exposure Certification	Issued	Metlab 1000 East Mermaid Lane Wyndmoor, PA 19038	Springfield Township Montgomery County	SERO
PAG030100	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC 345 Boren Avenue N Seattle, WA 98109-5306	West Norriton Township Montgomery County	SERO



## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG030110	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: Amazon Com NA Env Dept Seattle, WA 98108-0842	Philadelphia City Philadelphia County	SERO
PAG030111	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: NA Env Dept Seattle, WA 98108-0842	Philadelphia City Philadelphia County	SERO
PAG030127	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management of PA Inc. 1000 New Ford Mill Road Morrisville, PA 19067	Upper Darby Township Delaware County	SERO
PAG030131	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Zentis North American LLC 1741 Tomlinson Road Philadelphia, PA 19116	Philadelphia City Philadelphia County	SERO
PAG030171	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Philadelphia City Division of Aviation Terminal E Div of Aviation Philadelphia, PA 19153	Philadelphia City Philadelphia County	SERO
PAG030281	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Silvi Concrete Products Inc. 355 Newbold Road Fairless Hills, PA 19030	Falls Township Bucks County	SERO
PAG030282	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Silvi Of Montgomery Inc. 355 Newbold Road Fairless Hills, PA 19030	Limerick Township Montgomery County	SERO
PAG032247	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Easton Area Metal Recycling P.O. Box 908 Allentown, PA 18105	Williams Township Northampton County	NERO
PAG032296	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Graham PKG Co. LP 75 Jaycee Drive West Hazleton, PA 18202-1143	West Hazleton Borough Luzerne County	NERO
PAG032297	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Collis Truck Parts Inc. 3146 W Dannersville Road Northampton, PA 18067-9350	Moore Township Northampton County	NERO
PAG032341	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Greenstar Allentown LLC 799 Smith Lane Northampton, PA 18067-1500	Northampton Borough Northampton County	NERO
PAG032364	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Bosch Rexroth Corp 2315 City Line Road Bethlehem, PA 18017-2131	Bethlehem City Lehigh County	NERO
PAG032403	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Alan Auto Parts 4162 Best Station Road Slatington, PA 18080	Washington Township Lehigh County	NERO
PAG033552	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	GEA System North American LLC 3475 Board Road York, PA 17406-8414	Manchester Township York County	SCRO
PAG033629	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	William R Gift 2314 Farmington Avenue Boyertown, PA 19512-8463	Colebrookdale Township Berks County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033680	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	CRS SPV Inc. 569 Industrial Drive Lewisberry, PA 17339-9532	Fairview Township York County	SCRO
PAG033691	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lane Enterprises LLC 3905 Hartzdale Drive Camp Hill, PA 17011-7837	East Saint Clair Township Bedford County	SCRO
PAG034897	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	CK Capital LLC 4565 William Penn Highway Murrysville, PA 15668-2003	Boggs Township Centre County	NCRO
PAG036352	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Air Products & Chemicals Inc. 1940 Air Products Boulevard Allentown, PA 18106-5500	East Deer Township Allegheny County	SWRO
PAG038440	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	West Penn Oil Co. Inc. 21245 Route 6 Warren, PA 16365-7939	Conewango Township Warren County	NWRO
PAG045006	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Cooper Hilma F 5159 Arnot Road Wellsboro, PA 16901-8318	Charleston Township Tioga County	NCRO
PAG045080	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Seedor Jason J 326 W Ridge Road Sunbury, PA 17801-5224	Lower Augusta Township Northumberland County	NCRO
3622407	Pump Stations Individual WQM Permit	Issued	Earl Township Sewer Authority Lancaster County 517 N Railroad Avenue New Holland, PA 17557-9758	Earl Township Lancaster County	SCRO
6576417	Pump Stations Individual WQM Permit	Issued	Unity Township Municipal Authority 370 Pleasant Unity Mutual Road Greensburg, PA 15601-6388	Unity Township Westmoreland County	SWRO
0223400	Sewer Extensions Individual WQM Permit	Issued	Pittsburgh Water Sewer Authority 1200 Penn Avenue 2nd Floor Pittsburgh, PA 15222-4207	Pittsburgh City Allegheny County	SWRO
2622400	Sewer Extensions Individual WQM Permit	Issued	Point Marion Borough Fayette County P.O. Box 236 Point Marion, PA 15474-0236	Point Marion Borough Fayette County	SWRO
08613-S	Sewer Extensions Individual WQM Permit	Issued	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
PA0232378	Single Residence STP Individual NPDES Permit	Issued	Showver Max J P.O. Box 144 Tavares, FL 32778-0144	Union Township Union County	NCRO
PA0265641	Single Residence STP Individual NPDES Permit	Issued	Koch Monika 9271 Station Road Erie, PA 19510	Greenfield Township Erie County	NWRO
PA0285102	Single Residence STP Individual NPDES Permit	Issued	Versaw Dale R 611 Ashton Court Irwin, PA 15642-3692	Unity Township Westmoreland County	SWRO

**NOTICES**

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0293245	Single Residence STP Individual NPDES Permit	Issued	Bradley and Rebecca Fox 5770 Ruhl Road Fairview, PA 16415-2533	Fairview Township Erie County	NWRO
2518401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Koch Monika 9271 Station Road Erie, PA 19510	Greenfield Township Erie County	NWRO
2523414	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bradley and Rebecca Fox 5770 Ruhl Road Fairview, PA 16415-2533	Fairview Township Erie County	NWRO
4999404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Seedor Jason J 326 W Ridge Road Sunbury, PA 17801-5224	Lower Augusta Township Northumberland County	NCRO
5998406	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Cooper Hilma F 5159 Arnot Road Wellsboro, PA 16901-8318	Charleston Township Tioga County	NCRO
6523401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Versaw Dale R 611 Ashton Court Irwin, PA 15642-3692	Unity Township Westmoreland County	SWRO
PA0265152	Small Flow Treatment Facility Individual NPDES Permit	Issued	Charlotte Apt LLC 107 Archibald Street Kansas City, MO 64111-2214	Slippery Rock Township Lawrence County	NWRO
3717401	Small Flow Treatment Facility Individual WQM Permit	Issued	Charlotte Apt LLC 107 Archibald Street Kansas City, MO 64111-2214	Slippery Rock Township Lawrence County	NWRO
WQG018605	WQG-01 WQM General Permit	Issued	G O Carlson Inc. d/b/a Electralloy 175 Main Street Oil City, PA 16301-1038	Cherrytree Township Venango County	NWRO

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

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390199	PAG-02 General Permit	Issued	UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517	Allentown City South Whitehall Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@pa.gov
PAC390176	PAG-02 General Permit	Issued	1014 Sumner Ave., LLC 4710 Route 309 Box 10 Schnecksville, PA 18078	City of Allentown Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390194	PAG-02 General Permit	Issued	UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517	City of Allentown Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC390192	PAG-02 General Permit	Issued	Kay Walbert, LLC 5930 Hamilton Blvd. Ste. 200 Bethlehem, PA 18018	Upper Saucon Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC390191	PAG-02 General Permit	Issued	Lutron Electronics Co., Inc. 7200 Suter Rd. Coopersburg, PA 18036	Upper Saucon Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC390198	PAG-02 General Permit	Issued	David Hoover 15 Vance Julia Lane Womelsdorf, PA 19567	Lynn Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC390193	PAG-02 General Permit	Issued	Stack Storage LLC 2801 N. Thanksgiving Way Suite 100 Lehi, UT 84043	Upper Saucon Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC390200	PAG-02 General Permit	Issued	Terry Crouthamel 1714 Dell Street Allentown, PA 18103	Upper Saucon Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov



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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390177	PAG-02 General Permit	Issued	Gary and Susan Daniels 3157 Chestnut Hill Rd. Center Valley, PA 18034	Lynn Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC400064	PAG-02 General Permit	Issued	Market Square Properties Development, LLC 200 Old Train Station Road Ste. 2 Wilkes-Barre, PA 18702	City of Wilkes-Barre Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC400280	PAG-02 General Permit	Issued	Sheetz, Inc., Jessica Urbas 5700 Sixth Ave. Altoona, PA 15502	Wyoming Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC450008	PAG-02 General Permit	Issued	Mount Effort Development Company, LLC 3 Quail Run Boonton, NJ 07005	Chestnuthill Township Monroe County	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18360 570-629-3060 RA-EPWW-NERO@ pa.gov
PAC080030	PAG-02 General Permit	Issued	John A. Desisti, Disisti Properties P.O. Box R Sayre, PA 18840	Athens Township Bradford County	Bradford County Conservation District 200 Lake Rd Ste E Towanda, PA 18848 570-265-5539
PA090002C	PAG-02 General Permit	Issued	PA DOT Eng Dist 6 0 7000 Geerdes Blvd King of Prussia, PA 19406-1525	Middletown Township Bucks County	Bucks County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC230213 A-2	PAG-02 General Permit	Issued	Swarthmore College 500 College Avenue Swarthmore, PA 19081-1306	Swarthmore Borough Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC510307	PAG-02 General Permit	Issued	Woods Grove Capital, LLC 15 Woods Grove Road Westport, CT 06880-2427	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC460250	PAG-02 General Permit	Issued	1934 Bleim Road Partners LP P.O. Box 140 Skippack, PA 19474-0140	Lower Pottsgrove Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC510308	PAG-02 General Permit	Issued	M/K Amy James Martin School, JV, LLC 3302 Cecil B. Moore 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
PAC390061	PAG-02 General Permit	Issued	Lehigh Northampton Airport Authority Thomas Stoudt 3311 Airport Rd. Allentown, PA 18109	Hanover Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov
PA100008C	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
PAC250173	PAG-02 General Permit	Issued	Seefried Industries Properties 8745 W Higgins Road Chicago, IL 60631	McKean Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250195	PAG-02 General Permit	Issued	Brody Sill 9660 Concord Road Union City, PA 16438	Union Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC400128 A-1	PAG-02 General Permit	Issued	Thomas and Geraldine Herron 36 East Cherry Rd. Nescopeck, PA 18635	Nescopeck Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC670574A-1	PAG-02 General Permit	Issued	Steven Smucker 778 Bridgeton Road Fawn Grove, PA 17321	Lower Chanceford Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670647	PAG-02 General Permit	Issued	East Prospect Road Partners LLC 3180 East Prospect Road York, PA 17402	Windsor Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670405A-2	PAG-02 General Permit	Issued	BLM Assets Inc. 2425 W Market Street # 3 York, PA 17404	West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670651	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC360791	PAG-02 General Permit	Issued	Joi R Garner 1748 Nolt Road Mount Joy, PA 17552	West Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360743	PAG-02 General Permit	Issued	Conestoga Valley School District 2110 Horseshoe Road Lancaster, PA 17601	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360820	PAG-02 General Permit	Issued	Manheim Central School District 281 White Oak Road Manheim, PA 17545	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360314	PAG-02 General Permit	Issued	KRM Ventures LP 1831 Auction Road Manheim, PA 17545	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360559A-2	PAG-02 General Permit	Issued	GRH-3 LLC 120 North Pointe Blvd Suite 201 Lancaster, PA 17601	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC280300	PAG-02 General Permit	Issued	DRINE, LLC 19 Independence Drive Shippensburg, PA 17257-8218	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280322	PAG-02 General Permit	Issued	Big Dog Investments, LP P.O. Box 267 Scotland, PA 17254-0267	Southampton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280328	PAG-02 General Permit	Issued	Leland Leshar 2286 Eby Road Fayetteville, PA 17222	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC010083	PAG-02 General Permit	Issued	Sites-Bittinger, LP 1270 Fairfield Road Gettysburg, PA 17325	Hamiltonban Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 100 Gettysburg, PA 17325 717-334-0636
PAC020554A-1	PAG-02 General Permit	Issued	Peoples Natural Gas Company LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212	Elizabeth Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020585A-2	PAG-02 General Permit	Issued	West Penn Power Company 800 Cabin Hill Drive Greensburg, PA 15601	Springdale Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020649	PAG-02 General Permit	Issued	City of Pittsburgh Department of Public Works 414 Grant Street Room 301 Pittsburgh, PA 15219	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC021006	PAG-02 General Permit	Issued	Fox Chapel Authority 225 Alpha Drive Pittsburgh, PA 15238	Ohara Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC150345	PAG-02 General Permit	Issued	Nutt Road, LP 309 Lancaster Avenue Suite C Malvern, PA 19355	Phoenixville Borough Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC020965	PAG-02 General Permit	Issued	Bethel Park School District 301 Church Road Bethel Park, PA 15102	Bethel Park Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC150094	PAG-02 General Permit	Issued	Bell Tavern Partners P.O. Box 1454 Exton, PA 19341	East Caln Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov



## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020706A-1	PAG-02 General Permit	Issued	Hawkins Redevelopment I, LLC 1301 North 31st Street Philadelphia, PA 19121	Rankin Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020285	PAG-02 General Permit	Issued	Allegheny Health Network 120 Fifth Avenue Suite 2900 Pittsburgh, PA 15222	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC150099	PAG-02 General Permit	Issued	150 Parkside Drive, LLC 2880 South Ocean Boulevard Palm Beach, FL 33480	Caln Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC020860A-2	PAG-02 General Permit	Issued	Peoples Natural Gas Company LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212	Penn Hills Township Plum Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020809A-2	PAG-02 General Permit	Issued	NIOSH 626 Cochrans Mill Road Pittsburgh, PA 15236	South Park Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020515A-1	PAG-02 General Permit	Issued	Carnegie Mellon University 5000 Forbes Avenue Pittsburgh, PA 15213	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC021012	PAG-02 General Permit	Issued	Trek Development Group 1 30th Street Suite 300 Pittsburgh, PA 15222	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020328	PAG-02 General Permit	Issued	Twin Lakes Development, LLC 11 Timberglen Drive Imperial, PA 15126	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020311	PAG-02 General Permit	Issued	Shipley Brothers Development, Inc. 12300 Perry Highway Wexford, PA 15090	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020805A-1	PAG-02 General Permit	Issued	Borough of Plum 2000 Old Mine Road Pittsburgh, PA 15236	Plum 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 &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020963	PAG-02 General Permit	Issued	Whitehall Borough 100 Borough Park Drive Pittsburgh, PA 15236	Whitehall Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020322	PAG-02 General Permit	Issued	Plum Property Associates, Inc. 375 Golfside Drive Wexford, PA 15090	Plum Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020821	PAG-02 General Permit	Issued	Eat'n Park Hospitality 285 E. Waterfront Drive Homestead, PA 15120	College Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15120 412-291-8005
PAC020289	PAG-02 General Permit	Issued	A. Betler Construction, Inc. 918 Church Hill Road Venetia, PA 15367	Jefferson Hills Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020063	PAG-02 General Permit	Issued	Massarelli Excavating & Demolition 3404 Universal Road Pittsburgh, PA 15235	Plum Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020985	PAG-02 General Permit	Issued	Sri Venkateswara Temple 1230 McCully Drive Pittsburgh, PA 15235	Wilkins Township and Penn Hills Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC110108	PAG-02 General Permit	Issued	Ebensburg Municipal Authority 300 West High Street Ebensburg, PA 15931	Ebensburg Borough Allegheny County	Cambria County Conservation District 401 Candlelight Drive Suite 240 Ebensburg, PA 15931 814-472-2120

### 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>
Chickies Creek Farm, LLC 2537 Risser Mill Road Mount Joy, PA 17552	Lancaster County	11.3	1,111.5	Layers	NA	Approved
Meadow Springs Farm— Jevin Kready 1113 North Colebrook Road Manheim, PA 17545	Lancaster County	107.8	383.55	Broilers/ Beef/ Goats	NA	Approved
Oakryn Family Farm LLC—Galen Nolt 222 Little Britain Church Road Peach Bottom, PA 17563	Lancaster County	375	1,008.52	Dairy/ Swine/ Layers	HQ	Approved
Hurst Poultry LLC 61 Clay Road Lititz, PA 17543	Lancaster County	32.1	263.15	Pullets	NA	Approved
D&K Poultry— Morgan Dietz Kratzer 11203 Rte. 35 Mt. Pleasant Mills, PA 17853	Snyder County	1	285.04	Poultry Broilers	NA	Approved
Hickory Hollow Farm, LLC 491 Barnsley Road Oxford, PA 19363	Chester County	1,200	660.27	Swine	EV	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

*Contact: Nadera Bair, Clerk II, 570-327-0551.*

**Construction Permit No. 1423504MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Milesburg Borough Water Authority</b>
Address	416 Front Street P.O. Box 282 Milesburg, PA 16853
Municipality	Milesburg Borough
County	<b>Centre County</b>
Consulting Engineer	Evan C Newcomer 2568 Park Center Boulevard State College, PA 16801
Application Received	May 9, 2023
Permit Issued	August 2, 2023

Description This permit authorizes installation of an Eaton PowerXL DG1 variable frequency drive (VFD) to control the existing pumps located at the Milesburg Borough Water Authority Pump Station.

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

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

**Operation Permit No. 2350363**, Public Water Supply.

Applicant **HUSPP 180 First Avenue, LLC**  
 Address 345 Hudson Street  
 New York, NY 10014  
 Municipality Covington Township  
 County **Lackawanna County**  
 Application Received June 30, 2023  
 Permit Issued July 27, 2023  
 Description Transfer Permit for PWS facilities under PWS ID No. 2350363.

**Construction Permit No. 5223503**, Major Amendment, Public Water Supply.

Applicant **Laurel Woods MHC, LLC**  
 Address 100 Swale Brook Lane  
 Milford, PA 18337  
 Municipality Lackawaxen Township  
 County **Pike County**  
 Consulting Engineer Irina O Hott, PE  
 Water and Wastewater Project  
 Leader  
 JHA Companies  
 466 South Main St.  
 Montrose, PA 18801  
 Application Received April 21, 2023  
 Permit Issued August 3, 2023  
 Description System improvements include the following: raising the well casing of Well No. 1 (Source 001) out of a pit and modifying the upper terminus to meet Standards, installation of a permanent means to measure the water level in the column of Well No. 1, installation of contact piping, revisions of 4-log determination for Well No. 1, installation of finished water storage, replacement of the existing chemical feed system facilities for disinfection and ancillary discharge piping modifications including the installation of all required appurtenances.

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

*Contact: Darin Horst, Environmental Engineer, 717-705-4708.*

**Bottled Vended Bulk Retail Permit No. 3623530 MA**, Public Water Supply.

Applicant **H<sub>2</sub>O to Go, Inc.**  
 Address 12 East Elizabeth Street  
 Maytown, PA 17550  
 Municipality City of Lancaster  
 County **Lancaster County**  
 Consulting Engineer Rettew Associates, Inc.  
 3020 Columbia Avenue  
 Lancaster, PA 17603  
 Application Received March 29, 2023  
 Permit Issued August 3, 2023  
 Description Addition of Entry Point 174 at ABC Beverage LLC at 43 South Marshall Street, Lancaster.

*Contact: Joseph Mattucci, Program Manager, 717-705-4931.*

**Construction/Operation Permit No. 6723513 MA**, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**  
 Address 852 Wesley Drive  
 Mechanicsburg, PA 17055  
 Municipality Fairview Township  
 County **Cumberland**  
 Consulting Engineer Eric J. Keller, P.E.  
 852 Wesley Drive  
 Mechanicsburg, PA 17055  
 Application Received July 10, 2023  
 Permit Issued August 2, 2023  
 Description The project replaced two fluoride transfer pumps with two new end suction centrifugal transfer pumps.

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

*Contact: Nadera Bair, Clerk II, 570-327-0551.*

**Amendment Permit 4410169**. PWSID No. **4410169**. **Vali-View Estates, LLC**, 5899 Broadway Road, Danville, PA 17821, Fairfield Township, **Lycoming County**. Application received: June 6, 2023. Permit Issued: August 3, 2023. This permit authorizes the water system for an amendment of Special Condition 2B of the Public Water Supply permit from 60 sites to 74 sites.

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

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

**NCWSA Construction Permit 7360439**. PWSID No. **7360439**. **Hershey Farm**, 240 Hartman Bridge Rd, Ronks, PA 17572, Strasburg Township, **Lancaster County**. Application received: February 13, 2023. Permit



Issued: August 8, 2023. This action authorizes the installation of a water softening system and a sodium hypochlorite disinfection system.

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

**Operation Permit 3822509.** PWSID No. **7380420.** **PA Dept of Military and Veteran Affairs**, Building O-11, Ft Indiantown Gap, Annville, PA 17003, East Hanover Township, **Lebanon County**. Application received: June 26, 2022. Permit Issued: July 20, 2022. Addition of caustic soda for LCR corrosion control.

**Operation Permit 3821506 MA.** PWSID No. **7380023.** **Mt. Gretna Campmeeting Association**, P.O. Box 428, Mt Gretna, PA 17064-0428, West Cornwall Township, **Lebanon County**. Application received: July 18, 2023. Permit Issued: August 2, 2023. Installation of a new finished water storage tank.

**Operation Permit 7010034.** PWSID No. **7010034.** **Possom Valley Municipal Authority**, 609 Clearview Road, Aspers, PA 17304, Menallen Township, **Adams County**. Application received: July 12, 2023. Permit Issued: July 20, 2023. Relocation of a booster pump station above grade.

**Construction Permit 2223510 MA.** PWSID No. **7220015.** **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Susquehanna Township, **Dauphin County**. Application received: July 11, 2023. Permit Issued: August 2, 2023. Installation of a redundant raw water transmission main along N. Front Street to the 6th Street WTP.

**Operation Permit 0523503.** PWSID No. **4050021.** **Saxton Borough Municipal Authority**, 707 9th Street, Saxton, PA 16678-1099, Saxton Borough, **Bedford County**. Application received: April 21, 2023. Permit Issued: July 7, 2022. Designation of treatment segments for calculation of 1.0-Log Giardia inactivation.

**Construction Permit 3422503.** PWSID No. **4340001.** **Guardian Health Care, LLC**, 2 Manor Boulevard, Mifflintown, PA 17059, Fermanagh Township, **Juniata County**. Application received: December 27, 2022. Permit Issued: July 17, 2023. Permitting for previously installed cation exchange treatment and the installation of new chlorine contact tanks.

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

**Operation Permit 7211016.** PWSID No. **7211016.** **Uria United Methodist Church**, 925 Goodyear Road, Gardners, PA 17324-8920, South Middleton Township, **Cumberland County**. Application received: June 8, 2023. Permit Issued: August 3, 2023. Issuance of a comprehensive operation permit to update the special conditions.

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

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

**Operation Permit 5623514.** PWSID No. **4560037.** **Hooversville Borough**, 50 Main Street, P.O. Box 176, Hooversville, PA 15936, Hooversville Borough, **Somerset County**. Application received: July 24, 2023. Permit Issued: August 2, 2023. Approximately 4,300 linear feet of waterline and appurtenances along SR 0403 (Whistler Road) and the line extension to Snake Road (Area 7).

**Designation of Water Quality Performance Requirements Permit 5623509-C1.** PWSID No. **4560049.** **Hidden Valley Utility Services, LP**, 811 Russell Avenue, Suite 302, Gaithersburg, MD 20879, **Somerset County**. Application received: April 13, 2023. Permit Issued: August 2, 2023. Designation of Water Quality Performance Requirements.

**NCWSA Operation Permit 5260302.** PWSID No. **5260302.** **ED Realty Inc.**, 109 Skyline Drive, Farmington, PA 15439, South Union Township, **Fayette County**. Application received: June 1, 2023. Permit Issued: August 3, 2023. Disconnection of Well 1.

**Operation Permit 0222526MA.** PWSID No. **5020009.** **Harmar Water Authority**, 200 Pearl Avenue, Cheswick, PA 15024, Harmar Township, **Allegheny County**. Application received: July 27, 2023. Permit Issued: July 31, 2023. Operation of the recently rehabilitated Locust Hill Tank.

**Construction Permit 0423514MA.** PWSID No. **5040009.** **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009, Beaver Borough, **Beaver County**. Application received: July 24, 2023. Permit Issued: August 7, 2023. Rehabilitation of the 1-million-gallon storage tank and the 2-million-gallon storage tank.

**Operation Permit 0222503MA.** PWSID No. **5020043.** **West View Water Authority**, 210 Perry Highway, Pittsburgh, PA 15229, Bellevue Borough, **Allegheny County**. Application received: August 3, 2023. Permit Issued: August 7, 2023. Operation of the recently rehabilitated Bellevue Tank No. 2 and the Backwash Tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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**The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of

regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

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

The Department has received the following plans and reports.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Fox Well Pad**, Primary Facility ID # **864838**, 187 Walters Road, Mehoopany, PA 18629, Mehoopany Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with lubricating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

*Contact: Nick, 814-332-6978.*

**Former American Sterilizer Company**, Primary Facility ID # **710910**, 2424 West 23 Street, Erie, PA 16506, Mill Creek Township, **Erie County**. Tetra Tech, 661 Andersen Drive, Pittsburgh, PA 15220, on behalf of STERIS, 5960 Heisley Road, Mentor, OH 44060, submitted a Final Report concerning remediation of groundwater contaminated with Tetrachloroethene, trichloroethene, cis 12 dichloroethene, vinyl chloride. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

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

**Former Philadelphia Media Network Facility**, Primary Facility ID # **855611**, 800 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. Justin Kowalkoski, PG, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08055, on behalf of Michael Bennett, 800 River Owner LLC, 2 Park Avenue, 14th Floor, New York, NY 10016, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs, metals. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**Harrison Senior Living Facility**, Primary Facility ID # **702399**, 300 Strode Avenue, Coatesville, PA 19320, East Fallowfield Township, **Chester County**. Christopher J. Horan, PG, Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Harrison Saunders, Harrison Senior Living, 300 Strode Avenue, Coatesville, PA 19468, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of groundwater contaminated

with No. 2 fuel oil. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

**2200 Somerset Street**, Primary Facility ID # **859502**, 2200 Somerset Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jennifer Poole, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, Somerset Street Station, LLC, 3020 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals, VOCs, SVOCs and PCBs. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**Tinicum Release Site**, Primary Facility ID # **829316**, 6 Industrial Highway, Essington, PA 19029, Tinicum Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Bradford L. Fish, Sunoco Pipeline LP, 100 Green Street, Marcus Hook, PA 19061, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**16 Wolf Street, LLC Site**, Primary Facility ID # **843245**, 16 Wolf Street, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. David Schantz, Sr., PG, Aquaterra Technologies, Inc., 908 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Loretta Mitsos, 16 Wolf Street, LLC, 2825 South Warnock Street, Philadelphia, PA 19148, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with lead. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

**Sunoco, Inc., Philadelphia Refinery (AOI 10)**, Primary Facility ID # **720775**, 3144 Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Colleen Costello, Sanborn, Head & Associates, Inc., 755 Business Center Drive, Suite 110, Horsham, PA 19044, on behalf of Tiffani L. Doerr, PG, Evergreen Resources Management, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with lead and organics. The Risk Assessment is intended to document remediation of the site to meet the site-specific standards.

**98 Kenwood Drive North**, Primary Facility ID # **859664**, 98 Kenwood Drive North, Levittown, PA 19055, Bristol Township, **Bucks County**. Thomas Hippensteal, PG, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477, on behalf of Sharon Stevenson, 98 Kenwood Drive North, Levittown, PA 19055, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**80 East Oregon Avenue**, Primary Facility ID # **841286**, 80 East Oregon Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Marc Chartier, PG, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Suresh Reddy Anam, Anam Properties, LLC, 2500 West



Cheltenham Avenue, Philadelphia, PA 19148, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs and metals. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

**Philadelphia Energy Solutions Refinery**, Primary Facility ID # **780190**, 3144 Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Colleen Costello, Sanborn, Head & Associates, Inc., 755 Business Center Drive, Suite 110, Horsham, PA 19044, on behalf of Tiffany Doerr, Evergreen Resources Management Operations, 2 Righters Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Investigation Report concerning remediation of groundwater contaminated with lead and petroleum hydrocarbons. The Remedial Investigation Report is intended to document remediation of the site to meet the site-specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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

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

or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

*Contact: Eric Supey, Environmental Program Manager.*

**D. Payne Well Pad 1**, Primary Facility ID # **849157**, 2559 Upper Podunk Road, New Milford, PA 18834, Harford Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with compressor oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 2, 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 and 209, Milford, PA 18337, 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: August 3, 2023.

**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 did not demonstrate attainment of the Statewide health and background standards. Issued a technical deficiency letter: August 3, 2023.

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

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

**Gasoline Retail Facility**, Primary Facility ID # **848942**, 320 South West End Boulevard, Quakertown, PA 18951, Quakertown Borough, **Bucks County**. Andrew Markoski, PG, Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of John Edge, KBJM Real Estate, LLC, 220 South Eleventh Street, Quakertown, PA 18951, submitted a Final Report concerning the remediation of site soil and groundwater. This project attained a nonresidential site-specific standard for soil and a nonresidential Statewide health standard for groundwater for benzene, toluene, ethylbenzene, isopropylbenzene, methyl tertiary butyl ether, naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, dibromoethane, 1,2-dichloroethane, and lead.

The Final Report demonstrated attainment of the State-wide health and site-specific standards. Approved: August 1, 2023.

**CenturyLink Communicates, LLC**, Primary Facility ID # **811109**, 2400 Market Street, Philadelphia, PA 19103, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech, Inc., 1560 Broadway, Suite 1400, Denver, CO 80202, on behalf of Lincoln Romain, Lumen Technologies Group, 24 Sparrow Road, Randolph, NJ 07869, submitted a Final Report concerning the remediation of site soil and groundwater. This project attained a residential Statewide health standard for benzene, ethylbenzene, isopropylbenzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene in soil and groundwater. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 1, 2023.

**2507 Almond Street**, Primary Facility ID # **856571**, 2507 Almond Street, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lawrence McKnight, Riverwards Group, 3030 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with lead. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 1 2023.

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

**CNX NV 110 Well Pad**, Primary Facility ID # **867748**, 1 Stone Road, Claysville, PA 15323, East Finley Township, **Washington County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205, on behalf of CNX Gas Company, LLC, 1000 Horizon Vue Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with RCRA Metals. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 7, 2023.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

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

*Transporter License Reissued*

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

*Contact: Jonathan Adams.*

**Mountain Energy Services, Inc.**, 205 West Tioga Street, Tunkhannock, PA 18657. **License No. PA-AH 0832**. Application received: July 24, 2023. Effective July 26, 2023.

**Action Manufacturing Company**, 190 Rittenhouse Circle, Bristol, PA 19007. **License No. PA-AH 0865**. Application received: July 24, 2023. Effective July 26, 2023.

**KAG Specialty Products Group, LLC**, 4366 Mt. Pleasant Street NW, North Canton, OH 44720. **License No. PA-AH 0895**. Application received: July 26, 2023. Effective July 26, 2023.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Action(s) Taken on Regulated and Chemotherapeutic 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); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Regulations to Transport Regulated Medical and Chemotherapeutic Waste.**

*Transporter License Reissued*

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

*Contact: Jonathan Adams.*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. **License No. PA-HC 0015**. Received on July 24, 2023. Effective July 26, 2023.

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

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

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

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

**WMGM055SE001. Waste Management Renewable Energy, LLC**, 800 Capitol Street, Houston, TX 77002, Falls Township, **Bucks County**. This general permit is for the design and installation of the Waste Management Renewable Energy (WMRE)—Fairless Renewal Natural Gas (RNG) Plant under the Determination of Applicability (DOA) coverage of General Permit WMGM055. The proposed RNG plant will process landfill gas (LFG) collected from the WM Fairless Landfill and the WM GROWS North Landfill for conversion to pipeline quality RNG. Clean renewable energy gas will be generated for sale and distribution via existing natural gas pipelines. The Fairless RNG Plant is to be located in Falls Township, Bucks County. Application received: February 14, 2023. Issued: August 3, 2023.



Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMIT@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**OPERATE WASTE PROCESSING OR  
DISPOSAL AREA OR SITE**

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

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

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

**100549. Waste Management Disposal Services of PA, Inc.**, 1425 Sell Road, Pottstown, PA 19464, West Pottsgrove Township and Douglass Township, **Montgomery County** and **Berks County**. This major permit modification application is for revisions to the consolidated Closure and Post-Closure Care Requirements that was approved by DEP on September 1, 2009, for Pottstown Landfill. The Pottstown Landfill is a closed municipal waste landfill located in West Pottsgrove Township, Montgomery County and Douglass Township, Berks County. Application received: February 24, 2022. Issued: August 3, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMIT@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**AIR QUALITY**

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

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

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

**AG5-59-00001B: UGI Texas Creek, LLC**, 835 Knitting Mills Way, Wyomissing, PA 19610, Liberty Township, **Tioga County**. The Department authorized the continued operation of four (4) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engines, one (1) 80 bhp Arrow VRG 380 (4SRB) natural gas fired generator engine, two (2) 60 MMscf/day dehydrator unit equipped with a 1.25 MMBtu/hr reboiler burner, one (1) 15,000-gallon produced water tank, one (1) 110,000 Btu/hr fuel gas line heater along with various pneumatic controllers, one (1) pigging station and fugitive emissions from tanker truck loadout and equipment leaks pursuant to

the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Lovell Compressor Station. Application received: June 13, 2023. Renewal issued: July 31, 2023. New expiration date: July 30, 2028.

*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.*

**GP1-01-03008: Gettysburg College**, 300 North Washington Street, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. For three (3) existing natural gas-fired boilers, under GP1, at the Gettysburg College facility. The general permit authorization was renewed. Application received: July 6, 2023. Issued: August 1, 2023.

**GP3-9-31-03002: New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, Spruce Creek Township, **Huntingdon County**. For portable nonmetallic mineral processing equipment, under GP3, at the Union Furnace Quarry. Application received: July 13, 2023. Issued: August 7, 2023.

**GP9-9-31-03002: New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, Spruce Creek Township, **Huntingdon County**. For four diesel engines, under GP9, to power portable nonmetallic mineral processing equipment, at the Union Furnace Quarry. Application received: July 13, 2023. Issued: August 7, 2023.

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

**GP4-38-03071: Coretec**, 308 Poplar Street, Richland, PA 17087, Richland Borough, **Lebanon County**. For a burnoff oven, under GP4, at the facility. Application received: June 29, 2023. Issued: August 1, 2023.

**GP1-06-05157A: PA Department of Human Services, Hamburg Center**, 3560 Old Route 22, Hamburg, PA 19526, Windsor Township, **Berks County**. For two existing boilers, under GP1, at the Hamburg Center facility. Application received: June 20, 2023. Issued: August 7, 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.*

**GP3-09-0170 and GP11-09-0068: Naceville Materials/Plumsteadville Quarry**, 5031 Point Pleasant Pike, Doylestown, PA 18902-9510, Plumstead Township, **Bucks County**. This action is for the installation and operation of a portable non-metallic mineral processing plant and an accompanying engine. Emissions from the plant will be controlled using water spray while the engine is equipped with SCR and CO catalyst for emissions control. The facility will be required to monitor PM emissions and maintain records showing compliance with the conditions of the permits as well as complying with any site-wide permit conditions. As part of the conditions, the facility is required to notify DEP and the receiving municipality when the plant is moved to a new location. Any emissions from the plant and engine shall count toward the facility wide emissions of the respective facility which has a valid site-wide permit. Application received: July 3, 2023. Issued: August 2, 2023.

**Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.**

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

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

**36-03224A: Miller Fiberglass, LLC**, 905 Strasburg Pike, Strasburg, PA 17579, Strasburg Township, **Lancaster County**. For the construction and operation of a custom fiberglass and plastic products manufacturing operation. Application received: April 6, 2023. Issued: August 1, 2023.

**36-03052D: Boose Aluminum Foundry Co., Inc.**, 77 N. Reamstown Rd., Stevens, PA 17578, East Cocalico Township, **Lancaster County**. For the construction of a thermal reclamation system at the facility. The thermal reclamation system includes the construction of two 300-ton sand silos, fabric filter dust collector to control particulate matter emissions. Application received: January 16, 2023. Issued: August 2, 2023.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: James Beach, New Source Review Chief, 484-250-5920.*

**09-0252A: Waste Management Renewable Energy Renewable Natural Gas Facility**, Dock Rd and DE River, Morrisville, PA 19067, Falls Township, **Bucks County**. This Plan Approval is for the construction and operation of two (2) 6,000 scfm renewable natural gas (RNG) plants. The RNG plants will process landfill gas from the Fairless landfill and the G.R.O.W.S. landfill, converting the landfill gas to pipeline quality natural gas, which will then be directed into the nearby natural gas pipeline. Application received: March 17, 2023. Issued: August 3, 2023. August 8, 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-04-00439D: Watco Trans-loading, LLC**, 2701 Midland Beaver Road, Industry, PA 15052, Industry Borough, **Beaver County**. PA-04-00439D Extension issued to Watco Trans-loading LLC located at 2701 Midland Beaver Road, Industry, PA 15052-1709) on August 3, 2023, 180-day plan approval extension granted to prepare and submit the Operating Permit application for their Watco Lot No. 1 trans-loading facility located in Industry Borough, Beaver County. Application received: July 19, 2023. Issued: August 3, 2023.

**PA-04-00708B: Watco Trans-loading, LLC Lot-2**, 2701 Midland Beaver Road, Industry, PA 15052, Industry Borough, **Beaver County**. PA-04-00708B Extension issued to Watco Trans-loading LLC located at 2701 Midland Beaver Road, Industry, PA 15052-1709) on August 3, 2023, 180-day plan approval extension granted to prepare and submit the Operating Permit application for their Watco Lot No. 2 trans-loading facility located in Industry Borough, Beaver County. Application received: July 19, 2023. Issued: August 3, 2023.

**Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**19-00001C: Autoneum North America, Inc.**, 480 West Fifth Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County**. The Department has extended the temporary operating period for the shakedown and verification of compliance testing of the 81 million Btu per hour natural gas-fired burner in Source 033 at the Bloomsburg Plant facility. Application received: July 11, 2023. Revised: August 8, 2023. New expiration date: February 6, 2024.

**41-00090A: Digger Specialties, Inc.**, 3639 Destiny Dr., P.O. Box 241, Bremen, IN 46506, Montgomery Borough, **Lycoming County**. To extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from July 16, 2023 to January 12, 2024, at their Montgomery Aluminum Fence Site. The plan approval has been extended. Application received: July 13, 2023. Revised: July 14, 2023.

**18-00011M: Croda, Inc.**, 8 Croda Way, Mill Hall, PA 17751, Bald Eagle Township, **Clinton County**. To extend the authorization to perform the construction pursuant to the plan approval from August 2, 2023 to January 29, 2024, at their Mill Hall Facility. The plan approval has been extended. Application received: June 29, 2023. Revised: August 1, 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.*

**36-05158A: Perdue AgriBusiness, LLC**, 1897 River Road, Marietta, PA 17547, Conoy Township, **Lancaster County**. For the construction and temporary operation of a grain elevator and a soybean oil extraction facility. The plan approval was extended. Application received: July 7, 2023. Issued: July 19, 2023.

**36-05158E: Perdue AgriBusiness, LLC**, 1897 River Road, Marietta, PA 17547, Conoy Township, **Lancaster County**. For the modification to the 40 CFR Part 64, Continuous Assurance Monitoring (CAM) pressure differential ranges for various particulate matter control devices, and the modification of the mineral oil absorber temperature and flow rate requirements and the mineral oil condenser coolant temperature and flow rate requirements, at the soybean processing facility. The plan approval was extended. Application received: July 7, 2023. Issued: July 19, 2023.

**36-05158F: Perdue AgriBusiness, LLC**, 1897 River Road, Marietta, PA 17547, Conoy Township, **Lancaster County**. For the modification of the soybean day tanks' (Source ID 211) exhausts and for the installation of a dust reclaim system and a clay addition system at the soybean processing facility. The plan approval was extended. Application received: July 7, 2023. Issued: July 19, 2023.



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

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

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

**49-00007: Cherokee Pharmaceuticals, LLC**, 100 Avenue C, Riverside, PA 17868, Riverside Borough, **Northumberland County**. Issued a renewal Title V Operating Permit for the Riverside Borough Plant. The facility's sources include two natural gas/No. 2 fuel oil-fired boilers, an onsite wastewater treatment plant and sludge drying system, numerous pharmaceutical production equipment, various storage tanks for chemicals, fuel and glycol coolant and associated loading operations, drum handling areas, onsite laboratories, and various emergency generator engines. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: December 22, 2022. Issued: July 31, 2023.

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

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

**48-00006: Portland Power, LLC**, P.O. Box 238, Portland, PA 18351, Upper Mount Bethel Township, **Northampton County**. The Department issued a Title V Operating Permit for the operation of sources at their combustion turbine facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: May 16, 2022. Accepted: May 20, 2022. Issued: July 25, 2023.

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**Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**08-00048: Beaver Dam Energy, LLC**, 106 Isabella St., Ste. 600, Pittsburgh, PA 15212, Canton Township, **Bradford County**. Issued a State Only Operating Permit for the Beaver Dam Energy electric power generating facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions Application received: February 8, 2023. Issued: July 31, 2023.

**41-00011: John Savoy & Son, Inc.**, P.O. Box 248, Montoursville, PA 17754, Montoursville Borough, **Lycoming County**. Issued a State Only Operating Permit for the Montoursville Plant. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: August 8, 2022. Issued: August 2, 2023.

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

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

**48-00114: UGI Bethlehem LNG, LLC**, 835 Knitting Mills Way, Wyomissing, PA 19610, City of Bethlehem, **Northampton County**. The Department issued a State-Only Operating Permit for the operation of sources at their gas transmission and distribution facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: August 18, 2022. Accepted: August 25, 2022. Issued: July 14, 2023.

**54-00001: Guilford Mills, Inc.**, 1 Penn Dye St., Pine Grove, PA 17963, Pine Grove Borough, **Schuylkill County**. The Department issued a State-Only Operating Permit for the operation of sources at their dye and finishing plant. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: September 9, 2022. Accepted: September 15, 2022. Issued: July 17, 2023.

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

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

**25-00501: Ellwood Natl Forge Corry**, 1 Front St, Irvine, PA 16329-1801, City of Corry, **Erie County**. The Department issued the modified State Only Natural Minor Operating Permit for the small steel forging facility. The modification includes a change in the fuel inputs and plan approval short term CO limits for the box furnaces due to burner upgrades. Other minor changes were also addressed during the modification. Yearly potential-to-emit from the facility is unchanged. The modified permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: February 21, 2023. Permit modification issued: August 3, 2023.

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

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

**OP21-000027: Commander Navy Region Mid-Atlantic**, 700 Robbins Avenue, Philadelphia, PA 19111, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Synthetic Minor Operating Permit (SMOP) for a renewal of the Synthetic Minor Operating Permit (SMOP) for the operation of office buildings, laboratories, and a base providing logistics and supply support for the U.S. Navy in the City of Philadelphia, Philadelphia County. The facility's air emission sources include the following: one (1) boiler burning natural gas rated 29.3 MMBtu/hr, two (2) boilers each with low NO<sub>x</sub> burner and flue gas recirculation burning natural gas or No. 2 oil each rated 32.66 MMBtu/hr, six (6) boilers burning natural gas each rated 1.633 MMBtu/hr or less, two (2) water heaters burning natural gas rated 0.5 MMBtu/hr and 0.6 MMBtu/hr, four (4) non-emergency generators

firing diesel each rated less than or equal to 168 HP, three (3) emergency generators firing diesel rated 1006 HP, 805 HP, and 335 HP, two (2) emergency generators firing natural gas rated 162 HP and 530 HP, process equipment including one (1) carpentry shop, one (1) paint booth, and one (1) abrasive blaster, and various insignificant activities including two (2) hot water heaters burning natural gas each rated less than 0.25 MMBtu/hr, one (1) sand blaster, perchloroethylene test equipment for clothing material, and one (1) emergency generator burning natural gas rated 40 HP. Application received: July 28, 2021. Issued: August 1, 2023.

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

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

**05-03023: Rolling Akers Crematory**, 944 Shuman Rd., Everett, PA 15537, West Providence Township, **Bedford County**. For the operation of a human crematory. Application received: March 24, 2023. Issued: August 1, 2023.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

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

**15-00156: Peace Prod Co Inc.**, 143 Pennsylvania Ave, Malvern, PA 19355-2416, Malvern Borough, **Chester County**. This action is for the renewal of a Synthetic Minor Operating Permit for the operation of four (4) flexographic printing presses at an existing facility. Application received: November 1, 2022. Issued: August 4, 2023.

**15-00037: Idemia America Corp.**, Oakland Corporate Center, 523 James Hance Court, Exton, PA 19341, West Whiteland Township, **Chester County**. This action is for the issuance of an initial State Only Operating Permit for a security and credit card manufacturing facility. Application received: January 10, 2023. Issued: August 8, 2023.

**46-00022: Arkema Chemical Research & Development Lab**, 900 1st Ave, P.O. Box 61536, King of Prussia, PA 19406-1308, Upper Merion Township, **Montgomery County**. This action is for the renewal of a State Only Operating Permit for a product development and research facility that operates two (2) natural gas-fired boilers, three (3) emergency electric generators (2 diesel, 1 natural gas), and three (3) pilot plants. Application received: July 15, 2022. Issued: August 4, 2023.

**Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

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

**23-00012: Braskem America, Inc.**, 750 W 10th St, Marcus Hook, PA 19061-4500, Marcus Hook Borough, **Delaware County**. In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs for the 2015 ozone NAAQS), the Title V Operating Permit has been modified to approve a RACT III plan for the

Braskem America, Inc./Marcus Hook pursuant to 25 Pa. Code § 129.114. Application received: December 29, 2022. Issued: August 3, 2023.

**46-00005: Merck Sharp & Dohme, LLC/West Point Plant**, 770 Sumneytown Pike, West Point, PA 19486-8000, Upper Gwynedd Township, **Montgomery County**. This action is for the renewal of the Title V Operating Permit for a pharmaceutical manufacturing facility and also includes an administrative amendment to incorporate the terms and conditions of Plan Approval 46-0005AZ for a 750-kw natural gas fired emergency generator. Application received: February 18, 2022. Issued: August 4, 2023.

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

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

**30-00816: Perennial Energy CMM Pennsylvania, LLC**, 1375 County Road 8690, West Plains, MO 65775, Wayne Township, **Greene County**. On August 8, 2023, the Department issued a modification to the natural minor State-Only Operating Permit 30-00816 to Perennial Energy CMM Pennsylvania, LLC's mine methane flaring site located off of Phillips Ridge Road in Hanover Township, Washington County. This facility is subject to the applicable requirements of 25 Pa. Code, Chapters 121 through 145. Application received: April 25, 2023. Issued: August 8, 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. 56140104. NPDES No. PA0279636. Coal Loaders, Inc.**, 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, Brothersvalley Township, **Somerset County**. Permit transfer from Fieg Brothers, P.O. Box 38, Berlin, PA 15530, for the continued



operation and restoration of a bituminous surface and auger mine affecting 79.5 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek and Buffalo Creek to Casselman River classified for the following uses: CWF and WWF. Application received: December 13, 2022. Permit issued: August 1, 2023.

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

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 54851336. Rausch Creek Coal Mining Good Spring, LLC**, 978 Gap Street, Valley View, PA 17983, Porter and Frailey Townships, **Schuylkill County**. Renewal of an anthracite preparation plant and coal refuse disposal affecting 14.1 acres. Receiving stream: Good Spring Creek. Application received: November 14, 2022. Renewal issued: August 3, 2023.

**Mining Permit No. 54851336. GP104 Permit No. PAM118049. Rausch Creek Coal Preparation Good Spring, LLC**, 978 Gap Street, Valley View, PA 17983, Porter and Frailey Townships, **Schuylkill County**. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP-GP-104). Receiving stream: Good Spring Creek. Application received: November 14, 2022. Renewal issued: August 3, 2023.

**Mining Permit No. GP12 Permit No. GP12-54851336. Rausch Creek Coal Preparation Good Spring, LLC**, 978 Gap Street, Valley View, PA 17983, Porter and Frailey Townships, **Schuylkill County**. Renewal of general Operating Permit to operate a coal preparation plant. Application received: November 14, 2022. Renewal issued: August 3, 2023.

#### *Noncoal Permits*

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

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

**Mining Permit No. 61232801. Daniel J. Kaylor**, 601 Emlenton Street, Clintonville, PA 16372, Clinton Township, **Venango County**. Commencement, operation and restoration of a small industrial minerals mine. Application received: April 3, 2023. Issued: August 1, 2023.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.**

#### *Blasting Permits*

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

*Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.*

**Permit No. 17235001. Dimension Supply, Inc.**, 1034 Oak Grove Road, Morrisdale, PA 16858, Morris Township, **Clearfield County**. Blasting activity permit by rule for product testing. Application received: August 1, 2023. Issued: August 2, 2023. Expiration date: August 1, 2026.

**Permit No. 17234001. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, Chest Township, **Clearfield County**. Blasting Activity Permit for contracting and reclamation of GFCC Permit No. 17-18-02 Application received: July 28, 2023. Issued: August 2, 2023. Expiration date: December 31, 2023.

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

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Permit No. 22234104. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, Lower Paxton Township, **Dauphin County**. Construction blasting for Parkway Farms Phase 1. Application received: July 31, 2023. Permit issued: August 2, 2023. Expiration date: July 31, 2024.

**Permit No. 52234104. Holbert Explosives, Inc.**, 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Milford Township, **Pike County**. Construction blasting at 23 Minisink Court for foundation and septic tank. Application received: July 28, 2023. Permit issued: August 2, 2023. Expiration date: July 28, 2024.

**Permit No. 67234106. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, York Township, **York County**. Construction blasting for Bridgewater Development. Application received: August 2, 2023. Permit issued: August 7, 2023. Expiration date: August 2, 2024.

### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (DEP) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

**Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.**

*Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.*

*Contact: RA-EPEASTERNOGPRG@pa.gov.*

**E4129222-014. EQT ARO, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701, McNett Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District.

Application received: November 14, 2022. Issued: August 3, 2023.

To construct, operate and maintain one (1) new permanent stream crossing along access road off McIlwain Road in McNett Township, Lycoming County. The work involves the replacement of an existing 24" HDPE culvert with a 64" x 43" Pipe Arch Corrugated Metal Pipe (CMP) all for the purpose of the construction of a natural gas well site and access road. Additional disturbance will occur to construct diversion and infiltration berms to control stormwater, well pad and access roads as part of the PCSM Plan. The total disturbance area, which includes the stormwater management and E&S BMPs is 13.59 acres.

The project will result in a total of 16 LF (207 SF) of permanent and 16 LF (195 SF) of temporary stream impacts, 1,817 SF (0.0417 acre) of permanent and 314 SF (0.0072 acre) of temporary floodway impacts and 1,777 SF (0.0408 acre) of permanent and 630 SF (0.0145 acre) of temporary wetland impacts all for the purpose of constructing an natural gas pipeline for Marcellus Shale well development.

**STREAM IMPACT TABLE:**

Resource Name	Municipality Quadrangle	Activity	Chap. 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Pleasant Stream	McNett Grover	Access Road 64" x 43" Pipe Arch CMP	HQ; EV	Wild	16	195	16	207	41.538571° 76.799236°
TOTAL IMPACTS					16	195	16	207	

**WETLAND IMPACT TABLE:**

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Wetland 3	McNett Grover	Access Road	PEM; EV	Wild	63	375	64	1,666	41.537740° 76.798555°
Wetland 5	McNett Grover	Access Road	PEM; EV	Wild	20	184	6	17	41.538576° 76.799150°
Wetland 6	McNett Grover	Access Road	PEM; EV	Wild	10	71	10	94	41.538510° 76.799260°
TOTAL IMPACTS					93	630	80	1,777	

**FLOODWAY IMPACT TABLE:**

Resource Name	Municipality Quadrangle	Activity	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Pleasant Stream	McNett Grover	Access Road 64" x 43" Pipe Arch CMP	20	314	51	1,817	41.538571° 76.799236°
TOTAL IMPACTS			20	314	51	1,817	

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

*Contact: Pete Geanacopoulos, Project Manager, 570-327-3701.*

**E1904223-002. Southern Columbia Area School District**, 800 Southern Ave, Catawissa, PA 17720, Franklin Township, **Columbia County**. U.S. Army Corps of Engineers Baltimore District.

Southern Columbia intends to construct a ground-mounted, solar energy facility for the school district. This will include the solar farm installation, interconnection to existing distribution lines, and construction of all associated fencing, access drives, mechanical and electrical equipment, and equipment pad to suit the proposed system within the Chapter 105 floodway. Latitude: 40.908345°, Longitude: -76.496142°. Application received: April 13, 2023. Accepted: April 20, 2023. Approved: August 3, 2023.

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

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

**E4306123-001. Pennsylvania Department of Transportation**, 255 Elm Street, Oil City, PA 16301, French Creek Township, **Mercer County**. U.S. Army Corps of Engineers Pittsburgh District.

To conduct the following activities in a total of 382 feet of permanent stream impacts and 457 feet of temporary stream impacts as part of a 3R improvement project along SR 0322-01M in French Creek Township, Mercer County: (1) construct and maintain a slip-lined 54-inch diameter, 133-foot long HDPE stream enclosure within the existing concrete pipe carrying SR 0322-01M over UNT Powdermill Run (41.485592 N, 80.014103 W) along with rip-rap slope protection and a grouted rock energy dissipator (2) to construct and maintain the existing 66-inch diameter, 119-foot long corrugated metal pipe stream enclosure by streambed paving (6 inch depth) the bottom of the structure carrying SR 0322-01M over UNT Powdermill Run (41.482909 N, 80.009800 W) as well as inlet and outlet rock protection, a new inlet curtain wall, a new outlet headwall and a grouted rock energy dissipator and to realign 40 feet of the existing stream channel at the culvert inlet to improve flow conditions. Latitude: 41.485592°, Longitude: -80.014103°. Application received: May 12, 2023. Issued: August 3, 2023.

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

*Contact: Dana Drake, Program Manager.*

**E6305221-010. Rivendale Farms Pittsburgh, LLC**, 1357 Vallyview Road, Bulger, PA 15019, Robinson Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Operate and maintain a 20-foot long, 36-inch diameter smooth lined corrugated plastic pipe (SLCPP) culvert within an unnamed tributary (UNT) to Little Raccoon Run (WWF); 2. Operate and maintain a 22-foot long, 48-inch diameter SLCPP culvert at another location within the preceding UNT; 3. Modify an existing dam in the preceding UNT, by lowering the dam height to 2.3 feet. The dam is located in a stream not exceeding 50 feet in width; 4. Operate and maintain a pond across the preceding UNT. The pond has an approximate area of 0.06 acre and a maximum storage

volume of 6,071 cubic feet behind the aforementioned dam; 5. Operate and maintain a 25-foot long, 8-foot wide wooden bridge with a gravel surface across a second UNT to Little Raccoon Run (WWF); 6. Operate and maintain a 30-foot long, 9-foot wide wooden bridge with a gravel surface at another location across the preceding UNT; 7. Operate and maintain a 25-foot long, 8-foot wide wooden bridge with a gravel surface at another location across the preceding UNT; 8. Operate and maintain a 6-inch diameter PVC outfall structure at another location within the preceding UNT, which serves as an underdrain for the adjacent flat vegetated area; 9. Operate and maintain a 25-foot long, 10-foot wide wooden bridge with a gravel surface across Little Raccoon Run; 10. Operate and maintain a 25-foot long, 18-inch diameter SLCPP culvert within a third UNT to Little Raccoon Run (WWF), which has a drainage area less than 100 acres; 11. Operate and maintain a 99-foot long, 15-inch diameter SLCPP culvert at another location within the preceding UNT; 12. Construct, operate, and maintain a 42-foot long, 21-foot wide concrete bridge at another location across Little Raccoon Run (WWF); 13. Construct, operate, and maintain an outfall structure within the floodway of Little Raccoon Run, consisting of a 15-foot by 19-foot R-4 riprap apron, in association with the construction of a stormwater management pond; For the purpose of providing property access for farm equipment and livestock. Cumulatively, the project will permanently impact 205 linear feet of perennial stream, temporarily impact 503 linear feet of perennial stream, permanently impact 0.12 acre of floodway, and temporarily impact 0.86 acre of floodway. As compensation for the permanent stream impacts, approximately 303 linear feet of Little Raccoon Run will be enhanced by installing streambank stabilization BMPs, consisting of log deflectors, a rock cross vane, log toe with branch layering, and toe wood with branch layering. Latitude: 40 24 4.6224°, Longitude: -80 19 25.6440°. Application received: September 15, 2021. Issued: August 4, 2023.

**E0205222-027. Venture Outdoors, Inc.**, 317 East Carson Street, Suite 160, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given permission to: Construct, operate, and maintain a new dock and boathouse, 50-LF wide by 100-LF long, including a handicap accessible 23-foot long by 6-foot wide ramp, at River Mile 0.9, along the Left Bank of the Allegheny River (WWF-N), for the purpose of continuing to provide riverine recreational activities to the general public. The project will permanently impact 5,150 square feet (0.118 acre) of the Allegheny River. During the off-season the dock and boathouse will be moored off-site at an approved facility. The project site is located in the Allegheny River, in front of the David L. Lawrence Convention Center, at 1000 Ft. Duquesne Blvd., Pittsburgh, PA 15222 (Pittsburgh East, PA USGS topographic quadrangle; Sub-basin 18H) Latitude: 40 26 45.9996°, Longitude: -79 59 51°. Application received: September 16, 2022. Issued: August 4, 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 ESG291823001-00**

**Applicant Name Eastern Gas Transmission & Storage, Inc.**

Contact Person Karl Kratzer  
Address 6603 West Broad Street  
City, State, Zip Richmond, VA 23230  
Township(s) Leidy Township  
County **Clinton County**

Receiving Stream(s) and Classification(s) Kettle Creek (EV, MF), UNT to Kettle Creek (EV, MF), UNT to Road Hollow (EV, MF), Drury Run (EV, MF)

Application received: March 20, 2023  
Issued: August 2, 2023

**ESCGP # 3 ESX130330005(2)**

**Applicant Name Campbell Oil & Gas, Inc.**

Contact Person David S Miller  
Address 280 Indian Springs Drive, Suite 222A  
City, State, Zip Indiana, PA 15701  
Township(s) Bigler Township  
County **Clearfield County**

Receiving Stream(s) and Classification(s) UNT to Clearfield Creek (CWF, MF), UNT to Morgan Run (CWF, MF) Secondary: Clearfield Creek (CWF, MF)

Application received: May 16, 2023  
Issued: August 2, 2023

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

*Contact: RA-EPSW-OGSUBMISSION@pa.gov.*

**ESCGP # 3 ESG073023013-00**

**Applicant Name EQM Gathering Opco LLC—Nidbh013 Waterline**

Contact Person Gregg West, (724) 271-7600,  
GWest@equitransmidstream.com  
Address 0.1 Mile West of Pink Bank Road & Jollytown Road

City, State, Zip New Freeport, PA 15352  
Township(s) Gilmore Township  
County **Greene County**

Receiving Stream(s) and Classification(s) 001: Lat 39.74808, Long -80.31847, Clawson Run and UNTs to Clawson Run, Ch 93 Class: WWF 002: Lat 39.72737, Long -80.31952, PA Fork Dunkard Creek & UNTs to PA Fork Dunkard Creek, Ch 93 Class: WWF 003: Lat 39.72163, Long -80.33317, UNTs to Pumpkin Run, Ch 93 Class: WWF

Application received: May 19, 2023

Issued: August 2, 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.

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

*Contact: Bill, 814-332-6671.*

**Poor Man's Deli**, Storage Tank Facility ID # **42-20051**, 225 Biddle Street, Kane, PA 16735, Kane Borough, **McKean County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of James & Temoshenko, 8421 Route 6, Kane, PA 16735 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Unleaded Gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.



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

*Contact: Gregory Bowman, Environmental Group Manager.*

**Byler Mgmt Co**, Storage Tank Facility ID # **36-23172**, 920 W Main St, New Holland, PA 17557-9330, East Earl Township, **Lancaster County**. Herbert, Rowland, & Grubic, Inc., 369 E Park Dr, Harrisburg, PA 17111, on behalf of Byler Holdings, LLC, 201 Iron Valley Rd, Lebanon, PA 17042 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The plan is intended to document the remedial actions for meeting Statewide health and site-specific standards.

*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.*

**Ferraris Svc Ctr**, Storage Tank Facility ID # **46-42445**, 2295 Huntingdon Pike, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. ARM Brickhouse, 515 South Franklin Street, West Chester, PA 19382, on behalf of Ferrari Sunoco Servicer Center, 2295 Huntingdon Pike, Huntingdon Valley, PA 19006 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting site-specific standards.

**Plumstead Pointe**, Storage Tank Facility ID # **09-43359**, 4095 Ferry Rd, Plumstead, PA 18901, Plumstead Township, **Bucks County**. Environmental Maintenance Company, 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of J&J Investments, LLC, 1510 Swamp Road, Doylestown, PA 18902 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The combined plan and report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

**2401 Haverford Rd Ardmore**, Storage Tank Facility ID # **23-06919**, 2401 Haverford Rd., Ardmore, PA 19003, Haverford Township, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of CrossAmerica Partners, 600 W. Hamilton St., Suite 500, Allentown, PA 19003 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health and site-specific standards.

**Global Montello Group 3430**, Storage Tank Facility ID # **46-07010**, 1703 Markley Street, Norristown, PA 19401, Norristown Borough, **Montgomery County**. Geo-Enviro Consulting & Remediation LLC, 371 Hoes Lane, Suite 200, Piscataway, PA 08854, on behalf of Markley Street Mini Market, 1701-1709 Markley Street, Norristown, PA 19401 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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#### Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

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Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of 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.

*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.*

**1001 Baltimore Ave East Lansdowne**, Storage Tank Facility ID # **23-06906**, 1001 E. Baltimore Ave., Lansdowne, PA 19050, East Lansdowne Borough, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 600 Hamilton Street, Suite 500, Allentown, PA 18101 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report residential did not demonstrate attainment of the Statewide health and site-specific standards and was disapproved by DEP on August 7, 2023.

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## SPECIAL NOTICES

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### WATER PROGRAMS

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#### Public Notice of Final State Water Quality Certification for FERC Regulated Pipeline Project.

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**State Water Quality Certification Issued by the Commonwealth of Pennsylvania, Department of Environmental Protection Pursuant to Section 401 of the Clean Water Act for the Appalachia to Market II & Armagh & Entriaken HP Replacement Project.**

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

*Contact: RA-EPREGIONALPERMIT@pa.gov.*

**WQ0083222-001, Texas Eastern Transmission, LP** (Applicant), 890 Winter Street, Suite 320, Waltham, MA 02451. Appalachia to Market II & Armagh & Entriaken HP Replacement Project (Project), in North Lebanon Township, Bethel Township, and Jackson Township, **Lebanon County**; West Wheatfield Township, **Indiana County**, Todd Township, **Huntingdon County**; North Union Township, **Fayette County**, and Jackson Township, **Cambria County**, U.S. Army Corps of Engineers, Baltimore District and Pittsburgh District. The linear portion of the proposed project starts at the existing receiver removal site off Halfway Drive (Latitude: 40.393475°; Longitude: -76.366350°) and ends at the proposed receiver site off East Rosebud Road (Latitude: 40.405699°; Longitude: -76.332384°). The project also includes modifications at the Armagh Compressor Station (Latitude: 40.431570°; Longitude: -79.082670°), modifications at the Entriaken Compressor Station Modifications (Latitude: 40.310087°; Longitude: -78.139601°), and four existing contractor yards with no earth disturbance and no resource impacts: Lebanon Yard (Latitude: 40.365819°; Longitude: -76.364089°), Myerstown Yard (Latitude: 40.380308°; Longitude: -76.285294°), Mt. Braddock Yard (Latitude: 39.940527°; Longitude: -79.651676°), Mundys Corner Yard (Latitude: 40.447689°; Longitude: -78.834619°).

On July 7, 2022, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP22-486). The FERC Environmental Assessment for the Project, which was issued on February 10, 2023, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP22-486)

On August 5, 2022, Applicant requested a state water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The project, as proposed, includes the installation of one 2-mile long, 36-inch loop along an existing pipeline, shifting the location of a receiver pit from the western terminus of the loop to the eastern terminus and adding a valve at this location, the modification of two existing compressor stations, and the use of four existing contractor yards to transport natural gas from Appalachia supply basin in Southwest Pennsylvania to existing local distribution company customers in New Jersey. The Project

will require approximately 97 acres of earth disturbance. The Project will have permanent impacts to 0.01 acre and temporary impacts to 0.05 acre of streams including Deep Run (WWF, MF), tributaries to Deep Run (WWF, MF), and tributaries to Great Trough Creek (TSF, MF). The Project will also have 0.84 acre of permanent impacts, and 1.03 acres of temporary impacts to floodways. The Project will have 0.48 acre of temporary PEM wetland impacts, and 0.22 acre of permanent PEM impacts.

PADEP published notice of its proposed SWQC in the *Pennsylvania Bulletin* on November 19, 2022 (52 Pa.B. 7143) and received zero comments from the public.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311–1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the Project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the Project will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge of Hydrostatic Test Water*—Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1–691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

2. *Erosion and Sediment Control and Stormwater Management*—All projects proposing earth disturbance must implement best management practices (BMPs) to protect and maintain water quality pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1–691.1001) and Storm Water Management Act (32 P.S. §§ 680.1–680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), and Flood Plain Management Act (32 P.S. §§ 679.101–679.601), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management), and all other applicable regulations.

4. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that



water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—At all times, Applicant shall properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals issued to ensure the project shall maintain and protect state water quality standards as required by this SWQC. Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submissions to PADEP concerning this SWQC shall be addressed to:

Department of Environmental Protection  
Regional Permit Coordination Office:  
Domenic Rocco, PE, Director  
400 Market Street, Harrisburg, PA 17101  
RA-EPREGIONALPERMIT@pa.gov

10. *Reservation of Rights*—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that Applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts

are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

### OIL AND GAS MANAGEMENT

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

Contact: RA-EPOILGASDROPBOX@pa.gov.

Notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) will extend the public comment period for the Roulette Oil & Gas Company, LLC (ROGC), application to convert the Clara Field No. 20 gas well into an oil and gas waste disposal well (solely for ROGC conventional well waste) in Clara Township, Potter County. Persons can submit a written statement to the DEP by close of business on Thursday, September 7, 2023. Written statements should be sent via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, Northwest Oil and Gas District, 230 Chestnut Street, Meadville, PA 16335, or emailed to RA-EPOILGASDROPBOX@pa.gov. Each written statement must contain the name, address, and telephone number of the person submitting the comments, identification of the permit application (Clara Field No. 20), and a concise statement of the objections to the permit application and the relevant facts upon which the objections are based.

### WASTE, AIR, RADIATION AND REMEDIATION

**Covered Device Prohibited from Sale under Sections 302 and 507 of the Covered Device Recycling Act, Act 108 of 2010.**

*Central Office: Waste Management Program, 400 Market St, Harrisburg, PA 17101.*

Contact: Teesha Truesdale 787-7382.

The Department of Environmental Protection (Department) hereby announces that a certain manufacturer of covered devices is not included on the Department's list of registered manufacturers, maintained by the Department under sections 302 and 507 of the Covered Device Recycling Act (CDRA). Accordingly, under Section 302 of the CDRA, no retailer may offer these manufacturers' products for sale within the Commonwealth.

Manufacturers of new covered devices—such as televisions, laptop and desktop computers, tablets, etc.—offered for sale in Pennsylvania are required to register with the Department prior to commencing sales per Section 304 of the CDRA. Manufacturers must also pay an annual registration fee and submit a recycling plan and annual

report. Section 302 of the CDRA prohibits the sale of covered devices in the Commonwealth by unregistered manufacturers.

The Department is required to maintain a list of registered manufacturers per Section 302(b) of the CDRA. The list can be accessed by visiting [dep.pa.gov](http://dep.pa.gov).

The following manufacturer is not included on the Department's list and are therefore considered out of compliance:

**Proexpress Distributor, LLC (Proexpress)**

Due to its non-compliant status and non-inclusion on the list of registered manufacturers, the Department is notifying the public, in cooperation with covered device retailers, that the CDRA prohibits the sale of devices manufactured by Proexpress within the Commonwealth, and that the sale of such devices would constitute unlawful conduct under the CDRA. Non-compliant manufacturers may once again be included on the Department's list of registered manufacturers, and their devices offered for sale in the Commonwealth, if the manufacturers return to compliance with all the applicable provisions of the CDRA.

Inquiries regarding this notification can be directed to Jordan Hoover, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimi-

zation and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at [jorhoover@pa.gov](mailto:jorhoover@pa.gov) or (717) 783-8973.

**STORAGE TANKS**

**CLOSURE-IN-PLACE VARIANCE**

**The Following Variance from Closure Requirements Under the Authority of the Storage Tank Spill Prevention Act (35 P.S. § 6021.501) and Under 25 Pa. Code Chapter 245, Subchapter E, Has Been Issued by the Bureau of Environmental Cleanup and Brownfields, P.O. Box 8762, Harrisburg, PA 17105-8762.**

*Central Office: Environmental Cleanup & Brownfields Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

*Contact: E. Alex Eckman 717-772-5827.*

The following variance from emergency containment permeability requirements under the authority of the Storage Tank Spill Prevention Act (35 P.S. § 6021.501) and under 25 Pa. Code Chapter 245, Subchapter F, has been issued by the Bureau of Environmental Cleanup and Brownfields, P.O. Box 8762, Harrisburg, PA 17105-8762.

Variance No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacities
A-21-0002	American Refining Group, Inc. 77 N. Kendall Ave. Bradford, PA 16701-1726	McKean	Bradford City	Aboveground	Multiple

The variance request asked that ten (10) aboveground storage tank (AST) systems be excluded from the 1 x 10<sup>-6</sup> cm/s maximum permeability requirement for emergency containment structures for ASTs installed after October 11, 1997, located in 25 Pa. Code § 245.542(d)(1). Documentation submitted with the variance request demonstrated that unique conditions at the refinery made compliance with the requirements of § 245.542(d)(1) technically impractical, infeasible, and unsafe, and that alternative monitoring and response capabilities at the refinery were as protective of human health and the environment as those requirements. A variance was granted with the following conditions: (1) American Refining Group, Inc. (ARG) shall continue to maintain the condition, integrity, and capacity of the emergency containment structures for the designated AST systems to be fully protective of the waters of this Commonwealth; (2) ARG shall conduct and document formal inspections of the emergency containment structures for the designated AST systems three times daily, every 8 hours; (3) ARG shall continue to maintain the refinery's response and remedial action capabilities in accordance with refinery's current Integrated Contingency Plan (ICP); (4) ARG shall continue to maintain the integrity and functionality of the refinery's onsite drainage system; (5) ARG shall submit, for DEP review and comment, drafts of proposed changes to the refinery's ICP that may impact the refinery's monitoring, response, and remedial action capabilities or the operation and maintenance of the refinery's onsite drainage system; (6) The variance approval applies only to the AST systems for which it was requested. AST systems installed at the refinery after the date of the variance approval must meet the permeability require-

ments in 25 Pa. Code § 245.542(d)(1), as applicable; (7) The variance approval will remain in effect until it is amended or revoked by DEP or terminated for any reason by ARG or DEP; (8) Failure of any of the emergency containment structures associated with the designated AST systems to contain the entirety of a release from a regulated AST system until it can be fully recovered will result in termination of the variance approval.

[Pa.B. Doc. No. 23-1122. Filed for public inspection August 18, 2023, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Proposed State Implementation Plan Revision; Basic Vehicle Inspection and Maintenance Program Certification for the Philadelphia, PA Moderate Nonattainment Area for the 2015 Ozone National Ambient Air Quality Standard; Public Hearing**

The Department of Environmental Protection (Department) is seeking public comment on a proposed State Implementation Plan (SIP) revision which fulfills the basic Vehicle Emissions Inspection and Maintenance (I/M) program certification requirement in the Philadelphia Area, which is the Commonwealth's part of the larger multi-state Philadelphia-Wilmington-Atlantic City nonattainment area for the 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS). The Philadelphia



Area includes all of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

On October 26, 2015, the United States Environmental Protection Agency (EPA) promulgated a revised primary and secondary Ozone NAAQS of 70 parts per million, which went into effect on August 3, 2018 (80 FR 65292). On June 4, 2018, the EPA designated the Philadelphia-Wilmington-Atlantic City Area as “marginal” nonattainment, including the Philadelphia Area for the 2015 8-hour Ozone NAAQS (83 FR 25776). Short-term exposure to ozone has been linked to adverse respiratory conditions in humans.

On October 7, 2022, the EPA published a final rule entitled “Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards,” which determined whether certain areas achieved levels of ground-level ozone pollution to meet the 2015 Ozone NAAQS by the attainment date of August 3, 2021 (87 FR 60897). The EPA’s final rule determined that the Philadelphia-Wilmington-Atlantic City Area failed to attain the 2015 Ozone NAAQS by the applicable attainment date for “marginal” areas and reclassified this area to “moderate” nonattainment (87 FR 60898). This multi-state nonattainment area, including the Philadelphia Area, is now required to attain the 8-hour ozone standard by August 3, 2024 (87 FR 60903). Furthermore, the Department must develop a revision to the Commonwealth’s SIP to fulfill the Federal Clean Air Act (CAA) planning requirements for moderate nonattainment areas. Among these, the Department must submit to the EPA a certification that the Commonwealth’s existing “enhanced” vehicle I/M program in the Philadelphia Area meets the “basic” standard of performance required for I/M programs in the reclassified moderate ozone nonattainment areas.

This proposed SIP revision fulfills the basic I/M program certification requirement under CAA section 182(b) (42 U.S.C. § 7511a(b)) consistent with the EPA I/M regulations at 40 CFR Part 51, Subpart S (relating to

inspection/maintenance program requirements) for the Commonwealth portion of the “moderate” Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Nonattainment Area, and will be submitted by the Department to the EPA as a revision to the Commonwealth’s SIP when final.

The proposed SIP revision is available on the Department’s web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

The Department will provide the opportunity for a public hearing to receive comments on this proposed SIP revision on September 19, 2023, at 2 p.m. at the Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Persons wishing to present testimony should contact Amanda Rodriguez at P.O. Box 8468, Harrisburg, PA 17105, (717) 787-7677 or [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) no less than 24 hours in advance of the public hearing to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their comments.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Amanda Rodriguez at [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) or (717) 787-7677. TDD users may contact the Pennsylvania Hamilton Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than Wednesday, September 20, 2023. Commentators are encouraged to submit comments using the Department’s eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use “I/M Cert Philadelphia 2015 Ozone” as the subject line in written communication.

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-1123. Filed for public inspection August 18, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Philadelphia Women’s Center, Inc.	28 Pa. Code § 29.33(8) (relating to requirements for abortion)
Valley Pain Center, LLC	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 555.31(a) (relating to principle)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1124. Filed for public inspection August 18, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Geisinger—Lewistown Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)
Troy Community Hospital, Inc.	28 Pa. Code § 103.33(a) and (b)(1)—(11) (relating to responsibilities)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1125. Filed for public inspection August 18, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.7 (relating to basement or cellar):

Gino J. Merli Veterans Center  
401 Penn Avenue  
Scranton, PA 18503  
FAC ID # 014902

Sarah A. Todd Memorial Home  
1000 West South Street  
Carlisle, PA 17013  
FAC ID # 711402

Spring Hill Rehabilitation and Nursing Center  
2170 Rhine Street  
Pittsburgh, PA 15212  
FAC ID # 192902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facil-

ities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1126. Filed for public inspection August 18, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Medical Marijuana Advisory Board Meeting; Corrected Notice

The Medical Marijuana Advisory Board (Board), established under section 1201 of the Medical Marijuana Act (35 P.S. § 10231.1201), hereby gives notice that Board meetings will be held from 10:30 a.m. to 12:30 p.m. on each day listed as follows in the Capitol Media Center, State Capitol, Room 01 East Wing, Harrisburg, PA 17126, with an option for Board members to participate virtually. Note this is a location change from the previous notice published at 53 Pa.B. 3166 (June 10, 2023).

- Wednesday, September 6, 2023
- Wednesday, November 15, 2023

At these meetings, the Board will discuss Medical Marijuana Program updates.

These meetings will be broadcast live for the public through Commonwealth Media Services. Check

www.medicalmarijuana.pa.gov and click on the “Medical Marijuana Advisory Board” tab under “Information for:” for live streaming information the day of the meeting.

For additional information, including an alternative format of this notice (for example, large print, audiotape, Braille) or for persons with a disability who wish to attend the meetings who require an auxiliary aid, service or other accommodation to do so, contact Sirisha Reddy, Special Assistant, Office of the Secretary, Department of Health, 625 Forster Street, 8th Floor, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-9857, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

These meetings are subject to cancellation without notice.

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1127. Filed for public inspection August 18, 2023, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions; October 2023

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission’s Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on October 23, 2023, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Bedford	Bank Run	Headwaters to Mouth	Yellow Creek	40.143391 78.293892
Bedford	Unnamed tributary (UNT) to Three Springs Run (RM 0.83)	Headwaters to Mouth	Three Springs Run	40.171085 78.388912
Bedford	UNT to Yellow Creek (RM 0.38)	Headwaters to Mouth	Yellow Creek	40.139495 78.276071
Blair	UNT to Bells Gap Run (RM 5.83)	Headwaters to Mouth	Bells Gap Run	40.643299 78.403937
Blair	UNT to Mulligan Hollow Run (RM 0.47)	Headwaters to Mouth	Mulligan Hollow Run	40.655211 78.339632
Blair	UNT to Mulligan Hollow Run (RM 0.96)	Headwaters to Mouth	Mulligan Hollow Run	40.650085 78.345779
Blair	UNT to Tipton Reservoir (RM 5.22)	Headwaters to Mouth	Tipton Reservoir	40.682292 78.330491
Blair	UNT to Tipton Run (RM 3.02)	Headwaters to Mouth	Tipton Run	40.655302 78.328510
Cambria	UNT to Laurel Run (RM 3.58)	Headwaters to Mouth	Laurel Run	40.391668 78.903546
Cambria	UNT to Laurel Run (RM 4.20)	Headwaters to Mouth	Laurel Run	40.397759 78.897196
Cambria	UNT to Red Run (RM 0.71)	Headwaters to Mouth	Red Run	40.391727 78.923276

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Cambria	UNT to Red Run (RM 1.33)	Headwaters to Mouth	Red Run	40.398755 78.929729
Carbon	Black Creek	Headwaters to confluence with Quakake Creek	Lehigh River	40.945278 75.747222
Centre	UNT to Black Moshannon Creek (RM 3.44)	Headwaters to Mouth	Black Moshannon Creek	41.016842 78.020150
Centre	UNT to Mountain Branch (RM 2.22)	Headwaters to Mouth	Black Moshannon Creek	40.785585 78.320850
Centre	UNT to Tomtit Run (RM 2.22)	Headwaters to Mouth	Tomtit Run	40.853022 78.175937
Chester	Baptism Creek	Headwaters to Mouth	French Creek	40.201564 75.766768
Clearfield	Little Sandy Run	Headwaters to Mouth	Big Sandy Run	41.141828 78.251921
Clearfield	UNT (RM 0.48) to UNT to South Witmer Run (RM 0.51)	Headwaters to Mouth	UNT to South Witmer Run (RM 0.51)	40.767548 78.568307
Clearfield	UNT to Hockenberry Run (RM 1.91)	Headwaters to Mouth	Hockenberry Run	40.771679 78.584919
Clearfield	UNT to Hockenberry Run (RM 3.14)	Headwaters to Mouth	Hockenberry Run	40.761438 78.598819
Clearfield	UNT to South Witmer Run (RM 0.51)	Headwaters to Mouth	South Witmer Run	40.766370 78.559479
Clearfield	UNT to South Witmer Run (RM 3.84)	Headwaters to Mouth	South Witmer Run	40.732933 78.581642
Crawford	UNT to East Branch Sugar Creek (RM 1.76)	Headwaters to Mouth	East Branch Sugar Creek	41.617736 79.832856
Crawford	UNT to East Branch Sugar Creek (RM 1.86)	Headwaters to Mouth	East Branch Sugar Creek	41.618505 79.831545
Crawford	UNT to East Branch Sugar Creek (RM 2.62)	Headwaters to Mouth	East Branch Sugar Creek	41.626755 79.825827
Crawford	UNT to East Branch Sugar Creek (RM 3.95)	Headwaters to Mouth	East Branch Sugar Creek	41.640844 79.823485
Crawford	UNT to East Branch Sugar Creek (RM 4.29)	Headwaters to Mouth	East Branch Sugar Creek	41.643957 79.818770
Fayette	UNT to Quebec Creek (RM 2.78)	Headwaters to Mouth	Quebec Run	39.755810 79.688500
Huntingdon	UNT to Great Trough Creek (RM 27.39)	Headwaters to Mouth	Great Trough Creek	40.187210 78.111220
Luzerne	Little Nescopeck Creek (RM 19.26)	Headwaters to Jeddo Tunnel outflow	Nescopeck Creek	41.009167 76.075556
Lycoming	UNT (RM 0.08) to UNT to Upper Pine Bottom Run (RM 4.34)	Headwaters to Mouth	UNT to Upper Pine Bottom Run (RM 4.34)	41.315392 77.461132
Lycoming	UNT to Lick Run (English Center) (RM 2.94)	Headwaters to Mouth	Lick Run (English Center)	41.418052 77.233893
Lycoming	UNT to Lick Run (English Center) (RM 3.24)	Headwaters to Mouth	Lick Run (English Center)	41.419279 77.228747
Lycoming	UNT to Upper Pine Bottom Run (RM 4.34)	Headwaters to Mouth	Upper Pine Bottom Run	41.316268 77.460133
Lycoming	UNT to Upper Pine Bottom Run (RM 4.76)	Headwaters to Mouth	Upper Pine Bottom Run	41.321453 77.462777



<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Lycoming	UNT to Zinck Fork (RM 0.41)	Headwaters to Mouth	Zinck Fork	41.322094 77.446328
Pike	UNT to Lackawaxen River (RM 6.35)	Headwaters to Mouth	Lackawaxen River	41.462535 75.061376
Pike	UNT to Shohola Creek (RM 8.94)	Headwaters to Mouth	Shohola Creek	41.398258 74.967382
Potter	UNT to California Creek (RM 2.61)	Headwaters to Mouth	California Creek	41.874431 77.727191
Potter	UNT to Phoenix Run (RM 8.36)	Headwaters to Mouth	Phoenix Run	41.844061 77.639101
Tioga	UNT to Custard Run (RM 0.26)	Headwaters to Mouth	Custard Run	41.590930 77.264940
Tioga	UNT to Dixie Run (RM 1.34)	Headwaters to Mouth	Dixie Run	41.556990 77.327200
Tioga	UNT to Little Fall Creek (RM 0.82)	Headwaters to Mouth	Little Fall Creek	41.579734 77.200929
Tioga	UNT to Zimmerman Creek (RM 2.23)	Headwaters to Mouth	Zimmerman Creek	41.558228 77.241351
Tioga	UNT to Zimmerman Creek (RM 4.15)	Headwaters to Mouth	Zimmerman Creek	41.564426 77.208901
Tioga	UNT to Zimmerman Creek (RM 5.16)	Headwaters to Mouth	Zimmerman Creek	41.572740 77.194022
Tioga	UNT to Zimmerman Creek (RM 7.23)	Headwaters to Mouth	Zimmerman Creek	41.579934 77.160112
Tioga	UNT to Zimmerman Creek (RM 7.59)	Headwaters to Mouth	Zimmerman Creek	41.584188 77.157063
Wayne	UNT (RM 0.64) to UNT to West Branch Lackawaxen River (13.82)	Headwaters to Mouth	UNT to West Branch Lackawaxen River (RM 13.82)	41.688290 75.405881
Wayne	UNT to Johnson Creek (RM 4.11)	Headwaters to Mouth	Johnson Creek	41.727263 75.382480
Wayne	UNT to Johnson Creek (RM 5.03)	Headwaters to Mouth	Johnson Creek	41.738291 75.387607
Wayne	UNT to Johnson Creek (RM 6.25)	Headwaters to inlet of Bigelow Lake	Johnson Creek	41.751720 75.390816
Wayne	UNT to Lake Quinn (RM 0.61)	Headwaters to Mouth	Lake Quinn	41.505151 75.442415
Wayne	UNT to West Branch Lackawaxen River (13.82)	Headwaters to Mouth	West Branch Lackawaxen River	41.689985 75.393894
Wayne	UNT to West Branch Lackawaxen River (RM 17.40)	Headwaters to Mouth	West Branch Lackawaxen River	41.729565 75.425964
Wayne	UNT to West Branch Lackawaxen River (RM 17.51)	Headwaters to Mouth	West Branch Lackawaxen River	41.728570 75.427730
Wayne	UNT to West Branch Lackawaxen River (RM 18.46)	Headwaters to Mouth	West Branch Lackawaxen River	41.719367 75.437348
Wayne	UNT to West Branch Lackawaxen River (RM 19.64)	Headwaters to Mouth	West Branch Lackawaxen River	41.733875 75.444715
Westmoreland	UNT (RM 0.56) to UNT to Hannas Run (RM 1.43)	Headwaters to Mouth	UNT to Hannas Run (RM 1.43)	40.279815 79.206553

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Bucks	Paunacussing Creek	Headwaters to T-378 bridge at RM 1.70	Headwaters to Mouth	Delaware River	40.408889 75.041111

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them

in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 23-1128. Filed for public inspection August 18, 2023, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; October 2023

The Fish and Boat Commission (Commission) is considering changes to its list of Class A wild trout streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

(1) Criteria developed for Class A Wild Trout fisheries are species specific.

(2) Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A wild trout streams at its meeting on October 23, 2023.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Clinton	Baker Run	1	Headwaters to Mouth	West Branch Susquehanna River	41.247778 77.606111	29.33	23.55	---	2.67	2020
Clinton	Birch Island Run	2	Unnamed tributary at Juneberry Trail to State Route 4002	West Branch Susquehanna River	41.195833 77.974444	34.96	---	---	1.20	2022
Clinton	Hynes Run	1	Headwaters to power line crossing upstream Hynes Run State Park	West Branch Susquehanna River	41.331007 77.646802	36.27	52.01	---	1.29	2020
Clinton	Little Birch Island Run	1	Headwaters to Mouth	Birch Island Run	41.202778 77.993333	37.22	---	---	5.90	2022
Potter	East Branch Cowley Run	1	Headwaters to Cowley Road Bridge	Cowley Run	41.596389 78.186389	16.65	34.95	---	4.51	2021
Potter	West Branch Cowley Run	1	Headwaters to Fee Run	Cowley Run	41.596389 78.186389	7.87	46.51	---	5.84	2021
Union	Spruce Run	2	Cooper Mill Road Bridge to State Forest boundary at Spruce Run Reservoir	Buffalo Creek	40.976944 76.978889	32.13	13.90	---	6.50	2020

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 23-1129. Filed for public inspection August 18, 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>
54-103	PA Liquor Control Board Hearings by Teleconference 53 Pa.B. 3111 (June 10, 2023)	07/10/23	08/09/23

**Pennsylvania Liquor Control Board  
Regulation # 54-103 (IRRC # 3375)  
Hearings by Teleconference  
August 9, 2023**

We submit for your consideration the following comments on the proposed rulemaking published in the June 10, 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 Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

**1. Whether the agency has the statutory authority to promulgate the regulation; Whether the regulation is consistent with the intent of the General Assembly; Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.**

In the Regulatory Analysis Form (RAF) submitted with this proposal, the Board explains that this rulemaking will codify its existing practices, including the use of video teleconference hearings, which were started during the Covid-19 pandemic. The proposal will also codify the Office of Administrative Law Judge's (OALJ), an autonomous office within the Board, current practice of holding all hearings via video teleconference.

Representative John Lawrence submitted a letter in opposition to this rulemaking. The written comments explain in detail why he believes the Board "does not have the statutory authority to unilaterally promulgate this regulation." The letter states the "purported benefits of the virtual hearing framework merit consideration" and suggests the Board "outline these benefits to the General Assembly and seek a sponsor for a bill to accomplish this goal."

Section 5.2 of the RRA directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. 71 P.S. § 745.5b. In making this determination, IRRC must first consider whether an agency has the statutory authority to promulgate a regulation and whether it conforms to the intent of the General Assembly. 71 P.S. § 745.5b(a). In making its determination, IRRC shall consider written comments submitted by the committees and current members of the General Assembly, pertinent opinions of Pennsylvania's courts and formal opinions of the Attorney General.

We will review the Board's response to all of the issues raised in the legislative comments submitted by the Representative in our determination of whether the Board has the statutory authority to promulgate the rulemaking, whether the rulemaking is consistent with the intent of the General Assembly and whether the rulemaking is a policy decision of such a substantial nature that it requires legislative review.

**2. Compliance with the provisions of the RRA or the regulations of the Commission in promulgating the regulation.**

When determining if a regulation is in the public interest, IRRC reviews the information a promulgating agency is required to provide in the RAF pursuant to Section 5(a) of the RRA. 71 P.S. § 745.5(a). The RAF and Preamble submitted with this proposal do not provide sufficient information to determine if the rulemaking is in the public interest.

When the final-form regulatory package is submitted for consideration, we ask the Board to provide additional information for the following sections of the RAF:

- RAF # 15, # 16 and # 24—These sections of the RAF require a promulgating agency to identify the types and numbers of persons, businesses, small businesses (as



defined by Section 3 of the RRA) and organizations which will be affected by the regulation. The Board states that there are approximately 14,000 active licenses in the Commonwealth and those businesses would only be affected if they are required to participate in hearings before the Board or the OALJ. We ask the Board to quantify the number of hearings that were held last year, how many of those hearings were video teleconferences, and how many of the participants would be considered small businesses.

- **RAF # 21**—This section of the RAF relates to the estimated costs and savings the rulemaking will have on the state government. In response to RAF # 10, the Board has provided examples of savings that have been realized through the use of virtual hearings. However, the Board has not quantified the total savings that have been realized through the use of virtual hearings. We ask the Board provide a more detailed response to this question when the final rulemaking is submitted for consideration.

- **RAF # 29**—The dates for the schedule of review of this regulation should be updated when this rulemaking is submitted in final-form.

### 3. Video teleconferences.—Reasonableness; Clarity.

The Board is adding video teleconferencing language to the following sections of its regulations as follows:

- § 15.46(c)—Hearings before the OALJ shall be conducted by video teleconference. Hearings may be conducted in-person at the discretion of the Administrative Law Judge (ALJ).

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

- § 17.32(a)—Hearings will be conducted by video teleconference, unless the Office of Chief Counsel of the Board determines otherwise.

The new language allows for the possibility of in-person hearings, but only at the discretion of ALJ or the Office of Chief Counsel (OCC) of the Board. We believe it would be more reasonable if the option for in-person hearings was guaranteed, and not at the discretion of an ALJ or the OCC. We suggest that the final-form rulemaking be amended to ensure participants can participate in hearings either in-person or via video teleconference.

In addition, two of the subsections noted above state that hearings “shall” be conducted via video teleconference and one subsection states that hearings “will” be conducted in that manner. Section 6.7 of the *Pennsylvania Code and Bulletin Style Manual (Manual)* provides guidance on the proper usage of the words “shall” and “must” when used in a regulation. Section 6.7(a) of the *Manual* states that the word “shall” expresses a duty for a person, committee or other nongovernmental entity to take action. Section 6.7(c) of the *Manual* states that the word “will” indicates that the Commonwealth pledges to act. Based on the guidance provided in the *Manual*, and for consistency, the Board should replace the word “shall” with the word “will” in the final-form regulation.

GEORGE D. BEDWICK,  
Chairperson

[Pa.B. Doc. No. 23-1130. Filed for public inspection August 18, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Samuel W. Hall under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2022-0157; Doc. No. UT23-08-017

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 any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for September 12, 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 September 8, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be electronically filed with the Hearings Administrator on or before August 29, 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 September 8, 2023.

Persons with a disability who wish to attend the previously-referenced administrative proceedings, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
Insurance Commissioner

[Pa.B. Doc. No. 23-1131. Filed for public inspection August 18, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### First Priority Life Insurance Company; Rate Increase Filing for FPLIC Small Group Transitional Comprehensive Major Medical Policies (HGMM-133757550); Rate Filing

First Priority Life Insurance Company is requesting approval to increase the premium an aggregate 9.9% on 9,365 policyholders with small group transitional comprehensive major medical health policies.

Unless formal administrative action is taken prior to November 3, 2023, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Insurance Commissioner

[Pa.B. Doc. No. 23-1132. Filed for public inspection August 18, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Jason William Moyer; License Denial Appeal; Doc. No. AG23-08-018

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Jason William Moyer 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 September 22, 2023, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 20, 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 September 8, 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 September 20, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-1133. Filed for public inspection August 18, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Kerran Dale Snyder; License Denial Appeal; Doc. No. AG23-08-016

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Kerran Dale Snyder 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 September 18, 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 September 15, 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

September 5, 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 September 15, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-1134. Filed for public inspection August 18, 2023, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual No. 210.09—The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule, Amended June 26, 2023.

Management Directive No. 105.01—Allocation and Allotment of Funds, Amended July 10, 2023.

Management Directive No. 205.25—Employment-Related Disability Accommodations, Amended July 24, 2023.

Management Directive No. 220.01—Commonwealth Media Services, Amended July 10, 2023.

Management Directive No. 310.03—Encumbering and Lapsing of Appropriations, Amended July 26, 2023.

Management Directive No. 310.25—Transfers of Revenues and Expenses in SAP, Amended July 26, 2023.

Management Directive No. 515.10—Non-Civil Service Hiring, Amended July 24, 2023.

Management Directive No. 515.15—Hiring-Related Verifications and Background Checks, Amended July 21, 2023.

Management Directive No. 625.06—Leasehold Improvements, Amended July 10, 2023.

Administrative Circular No. 23-13—Revenue Estimates, 2023-24 & 2024-25 Fiscal Years, Dated July 26, 2023.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 23-1135. Filed for public inspection August 18, 2023, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Board Meeting

The meeting of the board of directors of the Pennsylvania Energy Development Authority (Authority) scheduled for August 23, 2023, will be held at 11 a.m. in Room 105, 1st Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting either in person or virtually through Microsoft Teams. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Laura Rigge at [lrigge@pa.gov](mailto:lrigge@pa.gov) or (717) 772-5159.

Information on how to join the meeting virtually, as well as agenda and meeting materials, will be available on the Authority's webpage, found on the Department of Environmental Protection's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Businesses," then "Energy," then "Energy Programs Office," then "Financial Options," then "PEDA").

Individuals are encouraged to visit the Authority's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 23, 2023, meeting can be directed to Laura Rigge at [lrigge@pa.gov](mailto:lrigge@pa.gov) or (717) 772-5159.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Rigge at [lrigge@pa.gov](mailto:lrigge@pa.gov) or (717) 772-5159 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Authority may accommodate their needs.

RICHARD NEGRIN,  
*Chairperson*

[Pa.B. Doc. No. 23-1136. Filed for public inspection August 18, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Acquisition by Purchase

**A-2023-3042048. Columbia Gas of Pennsylvania, Inc.** Application of Columbia Gas of Pennsylvania, Inc. for approval of the acquisition by purchase of real property known as 4000 Energy Drive, Bridgeville.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, September 5, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery or by the Commission's Sharepoint.

*Applicant:* Columbia Gas of Pennsylvania, Inc.

*Through and By Counsel:* Theodore J. Gallagher, Esquire (ID # 90842), 121 Champion Way, Suite 100, Canonsburg, PA 15317, [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com); Candis A. Tunilo, Esquire (ID # 89891), 800 North Third Street, Suite 204, Harrisburg, PA 17102, [ctunilo@nisource.com](mailto:ctunilo@nisource.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1137. Filed for public inspection August 18, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pro Forma Reorganization

**A-2023-3042078. Guardian US Holdco, LLC and Intrado Safety Communications, Inc.** Joint application of Guardian US Holdco, LLC and Intrado Safety Communications, Inc. for approval of a pro forma reorganization.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, September 5, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission by means of eService on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) or at 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection on the Commission's web site and at the applicant's business address.

*Applicants:* Guardian US Holdco, LLC; Intrado Safety Communications, Inc.

*Through and By Counsel:* Sean Ward, Vice President, Deputy General Counsel, Intrado Life & Safety, Inc., 1601 Dry Creek Drive, Longmont, CO 80503, (720) 864-5510, fax (720) 494-6600, [sward@intrado.com](mailto:sward@intrado.com); William Wiltshire, HWG, LLP, 1919 M Street, NW, Eighth Floor, Washington, DC 20036, (202) 730-1350, fax (202) 730-1301, [wwiltshire@hwglaw.com](mailto:wwiltshire@hwglaw.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1138. Filed for public inspection August 18, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pro Forma Transaction

**A-2023-3042053 and A-2023-3042054. Stonespeak Associates IV, LLC and RCN Telecom Services (Lehigh), LLC and RCN Telecom Services of Philadelphia, LLC.** Joint application of Stonespeak Associates IV, LLC and RCN Telecom Services (Lehigh), LLC and RCN Telecom Services of Philadelphia, LLC for approval of a pro forma transaction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, September 5, 2023. Filings must be made with the Secretary of the Pennsylvania



Public Utility Commission (Commission) by means of eService on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), or at 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection on the Commission's web site and at the applicant's business address.

*Joint Applicants:* Stonespeak Associates IV, LLC; RCN Telecom Services (Lehigh), LLC; RCN Telecom Services of Philadelphia, LLC

*Through and By Counsel:* Edward A. Yorkgitis, Jr., Winifred R. Brantl, Kelley Drye & Warren, LLP, 3050 K Street, NW, Suite 400, Washington, DC 20007, (202) 945-6649, fax (202) 342-8451, [cyorkgitis@kelleydrye.com](mailto:cyorkgitis@kelleydrye.com), [wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com); Michael R. Dover, Kelley Drye & Warren, LLP, 333 West Wacker Drive, Suite 2600, Chicago, IL 60606, (312) 857-7087, [mdover@kelleydrye.com](mailto:mdover@kelleydrye.com); William M. Wiltshire, H. Henry Shi, HWG, LLP, 1919 M Street, NW, Suite 800, Washington, DC 20036, (202) 730-1350, [wwiltshire@hwglaw.com](mailto:wwiltshire@hwglaw.com), [hshi@hwglaw.com](mailto:hshi@hwglaw.com); Joseph Kahl, Vice President, Corporate Regulatory and Governmental Affairs, Radiate Holdings, LP, 650 College Road East, Suite 3100, Princeton, NJ 08540, [joe.kahl@astound.com](mailto:joe.kahl@astound.com); Jeffrey B. Kramp, EVP, Secretary and General Counsel, Radiate Holdings, LP, 650 College Road East, Suite 3100, Princeton, NJ 08540, [jkramp@patmedia.us](mailto:jkramp@patmedia.us); Andrew Thomas, Senior Managing Director, Stonepeak Associates IV, LLC, 55 Hudson Yards, 48th Floor, New York, NY 10001, [thomas@stonepeak.com](mailto:thomas@stonepeak.com); Adrienne Saunders, General Counsel, Stonepeak Associates IV, LLC, 55 Hudson Yards, 48th Floor, New York, NY 10001, [saunders@stonepeak.com](mailto:saunders@stonepeak.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1139. Filed for public inspection August 18, 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 September 5, 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 September 5, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the 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-2023-3039818. SMP Transport Company, LLC** (7950 Gilbert Street, Philadelphia, Philadelphia County, PA 19150) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the between points in the City and County of Philadelphia, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3041681. K & T Seahorses Trucking, LLC** (24 Willow Street, Plymouth, Luzerne County, PA 18651) persons, in paratransit service, from points in the Counties of Carbon, Columbia, Lackawanna, Luzerne, Monroe and Wyoming, and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2023-3041923. DLR Transportation, LLC** (806 Long Run Road, Mill Hall, Clinton County, PA 17751) to transport, as a common carrier, by motor vehicle, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Clinton County, to points in Pennsylvania, and return. *Attorney:* R. Thom Rosamilia, Esq, 241 West Main Street, Lock Haven, PA 17745.

**A-2023-3041939. Diamonds Auto Transport, LLC** (150 North Radnor Chester Road, Suite F-200, Radnor, Delaware County, PA 19087) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2023-3041944. Alpha Elite Services, LLC** (777 McClellandtown Road, # 2, Uniontown, Fayette County, PA 15401) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3042018. Alfa Motors, LLC, t/a Alfa Limo** (106 Spring Flower Court, Huntingdon Valley, Montgomery County, PA 19006) 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. *Attorney:* David Temple, Esquire, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

**A-2023-3042052. Lulu Transit, LLC** (3147 Willits Road, Philadelphia, Philadelphia County, PA 19114) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Delaware and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David Temple, Esquire, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

**A-2023-3041992. T7 Moving and Transportation, LTD** (1388 South Keim Street, Pottstown, Chester



County, PA 19465) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the Counties of Berks, Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2023-3042033. Ronald Scott, LLC, t/a Rons Ride** (115 Morrison Avenue, Punxsutawney, Jefferson County, PA 15767) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-2022-3032818, persons in paratransit service, between points in the Counties of Allegheny, Centre, Clearfield, Elk and Jefferson.

**A-2023-3042093. Alleghenies Unlimited Care Providers, Inc.** (119 Jari Drive, Johnstown, Cambria County, PA 15904) discontinuance of service and cancellation of its permit as a contract carrier, by motor vehicle, persons for Community Action Partnerships MATP, Cambria County BHID, PA Health and Wellness, UPMC Health Plan and AmeriHealth PA, from points in the Counties of Allegheny, Berks, Blair, Cambria, Dauphin, Fayette, Greene, Indiana, Lehigh, Northampton, Somerset, Washington, Westmoreland and York, to points in Pennsylvania, and return, as previously granted under A-2017-2632664.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 23-1140. Filed for public inspection August 18, 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 September 19, 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. Takoukam Trading, LLC, t/a American Taxi;  
Doc. No. C-2023-3041506**

#### 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 Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Takoukam Trading, LLC, Respondent, maintains its principal place of business at 2907 Green Street, Harrisburg, PA 17110.

1. That Respondent was issued a certificate of public convenience for taxi authority by this Commission on March 17, 2017, at PUC No. 6419354.

2. On May 31, 2023, PUC Motor Carrier Enforcement Supervisor Timothy Troxell conducted a random inspection of a 2012 Chevrolet Traverse, bearing registration number TX49671 with VIN number ending in 2840, operated by Issa Boubacar on Cameron Street, Harrisburg, Dauphin County, PA.

3. The following violations were discovered at that time:

a. The air conditioning was not operational at the time of the inspection.

b. The left front tire tread grooves had less than 2/32 inch, no measurement (0/32 inch), on two adjacent tread grooves at several locations around the circumference of the tire.

c. Vehicle is 11 model years old at the time of inspection. No markings identifying the vehicle as one that may utilize a 12-model year option.

d. No taxi rates posed inside vehicle relating to rates.

4. That Respondent, by permitting the referenced vehicle to be operated with a without working air conditioning, has violated 52 Pa. Code § 29.403(8). The penalty for this violation is one hundred dollars (\$100.00).

5. That Respondent, by permitting the referenced vehicle, to be operated with deficient tire depth, has violated 52 Pa. Code § 29.402(1) 67 Pa. Code § 175.65(a). The penalty for this violation is one hundred dollars (\$100.00).

6. That Respondent, by permitting the referenced vehicle, to be operated with an 11-model year vehicle without marking identifying the vehicle as one that may utilize a 12-year model option has violated 52 Pa. Code § 29.314(c). The penalty for this violation is five hundred dollars (\$500.00).

7. That Respondent, by permitting the referenced vehicle, to be operated without rates posted on the inside of the vehicle has violated 52 Pa. Code § 29.316(a)(1)(i). The penalty for this violation is fifty dollars (\$50.00)

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Takoukam Trading, LLC, t/a American Taxi the sum of seven hundred fifty dollars (\$750.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in

this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 28 June 2023

Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Or, e-mailed to: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau  
of Investigation and Enforcement v.  
Jerome McCree, Sr.; Doc. No.  
C-2023-3037385**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission or PUC) 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 Jerome McCree, Sr., Respondent, maintains its principal place of business at 232 Chalfont Street, Pittsburgh, Pennsylvania, 15210.

2. A certificate of public convenience issued by this Commission is required to transport passengers for compensation, in call or demand service, within the Commonwealth of Pennsylvania. Based on a review of the records maintained by the Commission, Jerome McCree, Sr., does not hold a certificate of public convenience.

3. On September 14, 2016, Respondent was issued a warning letter for the transportation of passengers for compensation without authority/certificate. Respondent was also advised that by attaching a yellow roof light with the word "Available" on its vehicle it was in violation of 75 Pa.C.S. § 4307 and directed to cease and desist from further violations.

4. On April 28, 2023, PA PUC Enforcement Supervisor James Murray, PUC Enforcement Officer's Christopher Urey, and Andrew Rosenberger were conducting an enforcement detail at the Rivers Casino Pittsburgh during which Officer Rosenberger received a quote for a trip from the casino to the Hofbräuhaus House. Supervisor Murray then approached the driver and identified himself as an PA PUC Enforcement Supervisor and requested the carrier's driver's license and registration, the driver was identified as Jerome McCree.

5. Subsequently, Officer Urey completed a Driver Vehicle Compliance Report (DVCR) on a 2012 Chevrolet Equinox, registration no. JZG5441, registered to Jerome McCree Sr. Supervisor Murray explained to Mr. McCree the requirement for PA PUC authority/certificate and instructed Respondent to cease and desist operating as a call or demand operator.

6. That Respondent, Jerome McCree, Sr., by operating a vehicle for the purpose of transporting passengers for compensation, in call or demand service, within the Commonwealth of Pennsylvania without receiving certificate/authority from the Commission, has violated 66 Pa.C.S. § 1101. The penalty for this violation is \$1,000 and possible suspension of the vehicle registration by the Pennsylvania Department of Transportation.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the instant Complaint be Sustained, that the Commission impose a civil penalty upon Jerome McCree, Sr., in the amount of one thousand dollars (\$1,000.00) for the violations described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are

made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 30 May 2023

Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Or, e-mailed to: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceedings shall be closed.

E. 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.

F. 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.

G. 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. 23-1141. Filed for public inspection August 18, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale and Wastewater Service

**A-2023-3042058. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company under 66 Pa.C.S. § 1102(a) (relating to enumeration of acts requiring certificate) for approval of: (1) the transfer by sale of substantially all of the Sadsbury Township Municipal Authority's assets, properties and rights related to its wastewater collection and conveyance system to Pennsylvania-American Water Company; and (2) the right of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in portions of Sadsbury Township, Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, September 5, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Erin K. Fure, Esquire,  
Pennsylvania-American Water Company, 852 Wesley  
Drive, Mechanicsburg, PA 17055

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1142. Filed for public inspection August 18, 2023, 9:00 a.m.]

