

# PENNSYLVANIA BULLETIN

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**Latest Pennsylvania Code Reporter  
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**No. 586, September 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**.

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 51 ]

### Order Adopting Rules 5101—5105 of the Pennsylvania Rules of Judicial Administration; No. 596 Judicial Administration Docket

#### Order

##### *Per Curiam*

*And Now*, this 11th day of September, 2023, the proposal having been published for public comment at 49 Pa.B. 1645 (April 6, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(a) Pennsylvania Rules of Judicial Administration 5101—5105 are adopted in the attached form.

(b) Local rules of judicial administration deemed necessary to comply with Pa.R.J.A. 5101—5105 shall be promulgated pursuant to Pa.R.J.A. 103(c) to be effective no later than April 1, 2024.

(c) Existing local rules of judicial administration governing the custody of exhibits shall be reviewed by the President Judge or his or her designee for compliance with Pa.R.J.A. 5101—5105. An amendment to an existing local rule of judicial administration governing custody of exhibits deemed necessary shall be promulgated pursuant to Pa.R.J.A. 103(c) to be effective no later than April 1, 2024.

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

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 51. CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

The following text is entirely new.

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

##### **Rule 5101. Definitions.**

(a) The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

(1) “*Court Proceeding.*” Any trial, hearing, argument or similar event before a judge, panel, or hearing officer where evidence, if entered, is on the record. It does not include a proceeding before a magisterial district court, a non-record proceeding before the Philadelphia Municipal Court, a judicial arbitration matter pursuant to Pa.R.Civ.P. 1301 *et seq.*, a hearing before a register of wills pursuant to Pa.R.O.C.P. 10.3, or any matter that is not a record proceeding;

(2) “*Custodian.*” The person or persons designated by local rule of judicial administration to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall either be a member of court staff,

*e.g.*, court reporter, clerk of court, hearing officer, or the proponent of the exhibit. Custodian shall also include the custodian’s designee;

(3) “*Exhibit.*” A document, record, object, photograph, model, or similar item offered into evidence, whether or not admitted, in a court proceeding;

(4) “*Judicial District.*” A geographic area established by the General Assembly of Pennsylvania in which a court of common pleas is located;

(5) “*Local Rule.*” A local rule of judicial administration, however titled, adopted by a judicial district pursuant to Pa.R.J.A. 103(c) or an Internal Operating Procedure adopted by an appellate court;

(6) “*Proponent.*” A party seeking the admission of an exhibit into the record in a court proceeding; and

(7) “*Records office.*” The entity with the responsibility and function to maintain and retain the official case file and list of docket entries as required by rule or law.

(b) For any words and phrases not defined by these rules, a meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an applicable body of law.

#### Comment:

The definition of “court proceeding” includes, but is not limited to, civil and criminal trials, ancillary arguments, and hearings, as well as divorce, custody, support, delinquency, and dependency hearings before hearing officers and made of record.

A judicial district may promulgate a local rule to exclude from the provisions of this chapter proceedings that can be appealed *de novo* to a court of common pleas or upon which exceptions or objections can be filed to a court of common pleas. *See* Pa.R.J.A. 5104(b).

The definition of “exhibit” includes items admitted or rejected by the court after being offered into evidence by a proponent.

The definition of “judicial district” is derived from 42 Pa.C.S. § 901.

A “records office” includes the prothonotary of a court, the clerk of courts, the clerk of an orphans’ court, or the equivalent office by whatever name known.

##### **Rule 5102. Custody of Exhibits. General Provisions.**

(a) *During Court Proceedings.* By local rule, either a member of court staff or the proponent may be designated as the custodian during a court proceeding. The custodian shall secure and maintain all exhibits during a court proceeding, including breaks and recesses, unless otherwise provided in Pa.R.J.A. 5103(c)-(d).

(b) *After Court Proceedings.* By local rule, either a member of court staff or the proponent may be designated as the custodian after court proceedings have concluded.

(1) *Custodian.* The custodian shall:

(i) retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding;

(ii) file all documentary exhibits, photographs, and photographs of non-documentary exhibits with the re-

cords office within five business days of the conclusion of the court proceeding unless otherwise directed by the court; and

(iii) secure and maintain all other non-documentary exhibits as:

- (A) directed by the court; or
- (B) agreed to by the parties.

(2) *Index of Exhibits.* The custodian filing the exhibits with the records office shall include a numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit.

(3) *Confirmation.* If the exhibits are transferred from a court staff-custodian to a proponent-custodian pursuant to local rule, the court staff-custodian shall confirm that the proponent-custodian has complied with subdivision (b)(1)(ii).

(4) *Relief.* If the custodian does not file the exhibits as required by subdivision (b)(1)(ii), the proponent, if not designated as the custodian or in possession of the exhibits by local rule, may seek appropriate relief with the court.

#### **Comment:**

The custodian, if a member of court staff, may direct the proponent to secure and maintain exhibits that are bulky, oversized or otherwise physically impractical for the custodian to maintain during court proceedings. See Pa.R.J.A. 5103(c)(3).

Subdivision (b) reflects that the local rule shall establish the method for filing exhibits with the records office at the close of the court proceeding. Documentary exhibits, including photographs, filed with the records office are subject to existing record retention schedules. See, e.g., 16 P.S. §§ 13001 *et seq.* (requiring a County Records Committee to establish schedules for the disposal and retention of county records); Pa.R.J.A. 507. A judicial district may establish a local rule on the subject of records retention providing guidance to proponents who are maintaining non-documentary exhibits. See Pa.R.J.A. 5104(a)(4).

Non-documentary exhibits typically will be returned to the proponent at the conclusion of the court proceeding. See Pa.R.J.A. 5103 for special provisions relating to oversized documents, photographs, non-documentary exhibits, and digital media. If the court has concerns about the proponent's ability to retain an exhibit through the exhaustion of all appeals and post-trial actions, the court may direct other provisions for securing the exhibit. The court should take into consideration the possibility that a proponent may be incapable or unable to maintain and secure an exhibit, as well as the possibility that a proponent may tamper with or otherwise permit the degradation of an exhibit. The court should also consider any cases that may require special instructions for retention of non-documentary exhibits, such as in capital cases.

The exhibit list required by subdivision (b)(2) will enable the parties to easily determine the contents of a case record.

#### **Rule 5103. Custody of Exhibits. Special Provisions.**

##### *(a) Documentary Exhibits.*

(1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 x 11 inches, the

proponent shall ensure that a copy of the document reduced to 8-1/2 x 11 inches (or smaller) is entered into the record.

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

##### *(b) Photographs.*

(1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 x 11 inches) is entered into the record.

(2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

##### *(c) Non-documentary Exhibits: Generally.*

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 x 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

(3) If the exhibit is bulky, oversized or otherwise physically impractical for a court staff-custodian to maintain, the court staff-custodian may direct that the proponent offering the exhibit maintain custody of it and secure it during the court proceeding.

##### *(d) Non-documentary Exhibits: Weapons, Contraband, Hazardous Materials.*

(1) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the proponent shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses.

(2) During the proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.

(3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

(e) *Use of Digital Media.* A proponent shall ensure that an exhibit in a digital format entered into the record is in a format acceptable to the court.

(f) *Duplicates.* The court may direct that the original item, and not a duplicate, be entered into the record.

#### **Comment:**

If a local rule designates the proponent as the custodian, the proponent will be responsible for the safekeeping of exhibits during the court proceeding. If the proponent is designated as the custodian, in no event is the proponent required to take separate action to transfer an exhibit to himself or herself.

When documents and photographs are reduced in size and copied to comply with subdivisions (a)-(b) of this rule, the proponent must ensure that the quality of the document or photograph is not compromised. All documentary exhibits must be capable of clear reproduction.

Subdivision (b) recognizes that a proponent may have a sentimental attachment to a photograph and may not want to relinquish it for inclusion in the record.

In subdivision (c), non-documentary exhibits comprise a broad spectrum of objects, including, but not limited to, jewelry, clothing, automobiles, furniture, as well as the items listed in subdivision (d). Each judicial district shall promulgate a local rule to establish standards for the handling of non-documentary exhibits that are bulky, oversized, or otherwise physically impractical for the custodian to maintain. *See* Pa.R.J.A. 5104(a)(4).

In subdivision (d), the phrase “weapons, cash, other items of value, drugs, or other dangerous materials” includes, but is not limited to, guns, knives, explosives, controlled substances, narcotics, intoxicants, currency, money, negotiable instruments, toxic materials, and bio-hazards. For purposes of this rule, “secured” means inaccessible by unauthorized persons. *See UJS Pennsylvania Court Safety Manual* for best practices on firearms handling. Courts should consider additional safety measures if substances likely to cause bodily harm are present in the courtroom, for example, fentanyl and its derivatives, or other substances known to be especially lethal or toxic.

Neither documentary exhibits of unusual bulk or weight nor non-documentary exhibits should be transmitted unless authorized by a party or by the prothonotary of the appellate court. *See* Pa.R.A.P. 1931(c). In the case of exhibits under subdivision (d) of this rule, such exhibits should only be transmitted by law enforcement personnel who are authorized to transport such items to the appellate court.

Regarding the use of media in the courtroom, technology is constantly evolving and judicial districts have access to varying levels of technology. As set forth in subdivision (e), a proponent offering an audio, visual, or computer file into evidence is solely responsible for ensuring the court has the means to access it during a court proceeding. Current technology may include the use of portable formats, such as flash drives and compact discs. A judicial district may identify acceptable formats for digital media by local rule.

With regard to other limitations on the use of duplicates, *see* Pa.R.E. 1003.

#### **Rule 5104. Local Rule. Prohibition.**

(a) *Content of Local Rule.* Every judicial district shall promulgate a local rule of judicial administration pursuant to Pa.R.J.A. 103(c) establishing the judicial district’s policies and procedures for the custody of exhibits in court proceedings. The local rule shall:

- (1) designate the custodian to safeguard and maintain exhibits introduced in a court proceeding;
- (2) establish standards to ensure exhibits are filed with the records office for incorporation into the docket no later than five business days after the end of the court proceeding;
- (3) establish standards for the reproduction of oversized or voluminous documentary exhibits; and
- (4) establish standards for the maintenance and security of bulky or oversized non-documentary exhibits during and after the court proceeding.

(b) *Optional Provision.* The judicial district may include a provision in its local rule to exclude record hearings that may be appealed *de novo* to a court of

common pleas or upon which exceptions or objections can be filed to a court of common pleas from the provisions of this chapter.

(c) *Prohibition.* The automated systems of the Unified Judicial System (*e.g.*, Common Pleas Case Management System, Pennsylvania Appellate Case Court Management System, and PACFile) shall not be used for submitting or storing exhibits as required by this chapter.

#### **Comment:**

A local rule includes an Internal Operating Procedure adopted by an appellate court. *See* Pa.R.J.A. 5101(a)(5) (definition of local rule).

A “custodian” will either be a member of court staff, *e.g.*, court reporter, clerk of court, hearing officer, or the proponent of the exhibit. *See* Pa.R.J.A. 5101(a)(2) (definition of custodian). When the proponent is designated as the custodian, the proponent will fulfill all the responsibilities of a custodian in accordance with Pa.R.J.A. 5102.

A local court security committee makes recommendations to the president judge on protocols, policies, and procedures that should be implemented to protect the public, court personnel, and court facilities in the event of an emergency. *See* Pa.R.J.A. 1954 (Court Security). The judicial district may consult with the local court security committee to identify best practices for the handling of exhibits.

The local rule shall designate the filing method, which may include electronic filing, although not via the automated systems of the Unified Judicial System. The designated method of filing exhibits with the records office will depend on the capabilities available to the judicial district. It is anticipated that some judicial districts will require the custodian to file exhibits with the records office immediately following the close of the court proceeding. Other judicial districts may require the proponents to file exhibits with the records office no later than five business days after the close of the court proceeding.

Subdivision (b) permits a judicial district to exempt certain record hearings from the provisions of this chapter by establishing a local rule. Under this exception, for example, proceedings before hearing officers in divorce, custody, support, delinquency, and dependency matters could be excluded from the general rules. While these proceedings are of record, some judicial districts may find that the burden of compliance outweighs the benefit of a statewide procedure for records handling.

#### **Rule 5105. Confidentiality. Exhibits Under Seal.**

(a) If an exhibit offered into evidence contains confidential information or confidential documents as defined in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Policy”), the proponent shall give a copy of the exhibit and a certification prepared in compliance with the Policy and any related local rule to the records office no later than five days after the conclusion of the court proceeding.

(b) Any exhibit sealed by the court during the court proceeding shall not be accessible to the public.

#### **Comment:**

Subdivision (a) of this rule relates to the confidentiality of information contained in exhibits. Although the Policy does not apply directly to exhibits, important policy considerations are set forth therein, particularly as it relates to personal identification information, as well as highly sensitive financial, medical, and psychological in-



formation. While the Policy does not address the handling of non-documentary exhibits, it is expected that parties will adhere to the policy considerations set forth therein and ensure that otherwise confidential information and documents are not made available through the record. Adhering to the guidance of the Policy will ensure that a protected version of the exhibit is maintained in the record for public viewing.

Subdivision (b) recognizes that some exhibits contain such highly sensitive information or images that they are sealed by the court during the court proceeding.

### CUSTODY OF EXHIBITS WORKGROUP ADOPTION REPORT

#### Adoption of Pa.R.J.A. 5101—5105

On September 11, 2023, the Supreme Court of Pennsylvania adopted Rules 5101—5105 of the Pennsylvania Rules of Judicial Administration, pertaining to the custody and retention of trial exhibits. The Custody of Exhibits Workgroup has prepared this Adoption Report describing the rulemaking process as it relates to these changes. 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 Workgroup, not the Court.

The issue of custody of exhibits was initially considered by the Criminal Procedural Rules Committee following reports of cases where court personnel were found to have misused trial exhibits. The Committee contemplated developing procedural rules that would have prohibited the retention by the court of exhibits consisting of “contraband,” *i.e.*, drugs or weapons. Additionally, the Committee identified issues that could arise from the handling of non-contraband exhibits, such as documentary exhibits that contain confidential information.

The Criminal Procedural Rules Committee undertook a statewide survey of judicial districts to identify practices relative to custody of trial exhibits. The survey revealed a substantial divergence of practice regarding the custody of exhibits among the judicial districts. Upon review of the survey findings, the Committee realized that there were broader issues related to the custody of exhibits, including the need to retain exhibits for matters on appeal, as well as logistical considerations impacting court administration, such as exhibit storage space. The Supreme Court directed the formation of a workgroup of stakeholders to study local practices and advise whether statewide rules on the custody and retention of exhibits should be promulgated.

The Custody of Exhibits Workgroup was comprised of representatives from stakeholder organizations: the Pennsylvania Conference of State Trial Court Judges, Pennsylvania State Association of Prothonotaries and Clerks of Court, Pennsylvania Court Reporters Association, Pennsylvania Association of Court Managers, Administrative Office of Pennsylvania Courts, and Supreme Court Rules Committees. The Workgroup met several times, developed draft rules, and circulated the draft rules to stakeholder groups for review and comment. The Workgroup published the proposal for public comment at 49 Pa.B. 1645 (April 6, 2019). The comment period ran through June 5, 2019. Following review and discussion of public comments, the Workgroup made further revisions to the proposal.

The framework of the rules relies on a custodian of exhibits to safeguard exhibits entered into evidence in a court proceeding. A custodian is defined as:

the person or persons designated by local rule of judicial administration to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall either be a member of court staff, *e.g.*, court reporter, clerk of court, hearing officer, or the proponent of the exhibit. Custodian shall also include the custodian’s designee.

Pa.R.J.A. 5101(a)(2).

The custody of exhibit rules establish statewide guidelines for the handling of exhibits during and after a court proceeding. *See* Pa.R.J.A. 5102. Additionally, certain matters, such as designation of the custodian and establishing standards for maintenance and security of bulky or oversized non-documentary exhibits, are left to local rules subject to Pa.R.J.A. 5104.

Pa.R.J.A. 5102(b) provides specific instructions for filing of documentary exhibits and photographs of non-documentary exhibits with the records office within five days of the conclusion of the court proceeding unless otherwise directed by the court. *See* Pa.R.J.A. 5102(b)(2). These rules are not intended to govern the transmission of records from the trial court to the appellate court. *See, e.g.*, Pa.R.A.P. 1931.

The rules also govern the handling of documentary exhibits and non-documentary exhibits (*e.g.*, jewelry, clothing, automobiles, furniture, weapons, cash, and contraband). *See* Pa.R.J.A. 5103. Special provisions address the handling of weapons, cash, items of value, drugs, or other dangerous materials. *See* Pa.R.J.A. 5103(d). Finally, the rules reference the *Case Records Public Access Policy of the Unified Judicial System* and apply it to exhibits filed with a records office. *See* Pa.R.J.A. 5105.

The rules become effective on April 1, 2024.

[Pa.B. Doc. No. 23-1274. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 11, 13, 15, 16, 19, 25, 33, 37  
AND 40 ]

**Order Amending Rules 1101, 1112, 1123, 1311,  
1514, 1602, 1925, 2542, 3307, 3309, 3781, and  
4002 of the Pennsylvania Rules of Appellate  
Procedure; No. 307 Appellate Procedural Rules  
Docket**

#### Order

*Per Curiam*

*And Now*, this 11th day of September, 2023, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1101, 1112, 1123, 1311, 1514, 1602, 1925, 2542, 3307, 3309, 3781, and 4002 of the Pennsylvania Rules of Appellate 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 January 1, 2024.

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

Deletions from the rule are shown in bold and brackets.

**Annex A**

**TITLE 210. APPELLATE PROCEDURE**

**PART I. RULES OF APPELLATE PROCEDURE**

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT**

**APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT**

**Rule 1101. Appeals as of Right from the Commonwealth Court.**

\* \* \* \* \*

(b) *Procedure on [ appeal. ] Appeal.* An appeal within the scope of [ **Subdivision** ] **subdivision** (a) of this rule shall be taken to the Supreme Court in the manner prescribed in Chapter 9 (appeals from lower courts), except that if the notice of appeal is transmitted to the Prothonotary of the Commonwealth Court by means of first class, express, or priority United States Postal Service mail, the notice of appeal shall be deemed received by the prothonotary for the purposes of [ **Rule** ] **Pa.R.A.P.** 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the Commonwealth Court and shall be either enclosed with the notice of appeal or separately mailed to the prothonotary. Upon actual receipt of the notice of appeal the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when the appeal was taken, which date shall be shown on the docket.

**[ Official Note ] Comment:**

\* \* \* \* \*

The United States Postal Service Form 3817 mentioned in [ **Subdivision** ] **subdivision** (b) is reproduced in the [ **note** ] **comment** to [ **Rule** ] **Pa.R.A.P.** 1112 (appeals by allowance).

**PETITION FOR ALLOWANCE OF APPEAL**

**Rule 1112. Appeals by Allowance.**

\* \* \* \* \*

(c) *Petition for [ allowance of appeal. ] Allowance of Appeal.*

(1) \* \* \* \* \*

(2) If the petition for allowance of appeal is transmitted to the Prothonotary of the Supreme Court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the Prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date shown by the United States Postal Service as the date accepted for posting, as evidenced by a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806**

**Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the appellate court below, and shall be either enclosed with the petition or separately mailed to the Prothonotary.

\* \* \* \* \*

**[ Official Note ] Comment:**

\* \* \* \* \*

The United States Postal Service form may be in substantially the following form:

\* \* \* \* \*

The transmittal should be taken *unsealed* to the Post Office, the Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified should be obtained, cancelled, and attached to the petition, and the envelope should only then be sealed. Alternatively, the cancelled Form 3817, **Form 3800, Form 3806**, or other similar United States Postal Service form from which the date of deposit can be verified can be submitted to the Prothonotary under separate cover with clear identification of the filing to which it relates.

It is recommended that the petitioner obtain a duplicate copy of the Form 3817, **Form 3800, Form 3806**, or other similar United States Postal Service form from which the date of deposit can be verified as evidence of mailing. Since the Post Office is technically the filing office for the purpose of this rule, a petition which was mailed in accordance with this rule and which is subsequently lost in the mail will nevertheless toll the time for petitioning for allowance of appeal. However, counsel will be expected to follow up on a mail filing by telephone inquiry to the appellate prothonotary where written notice of the docket number assignment is not received in due course.

\* \* \* \* \*

**Rule 1123. Denial of Appeal; Reconsideration.**

\* \* \* \* \*

(c) *Manner of [ filing. ] Filing.* If the application for reconsideration is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the application shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the court in which reconsideration is sought, and shall be enclosed with the application or separately mailed to the prothonotary. Upon actual receipt of the application, the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [ **paragraph** ] **subdivision**, shall constitute the date when application was sought, which date shall be shown on the docket.



CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

\* \* \* \* \*

(b) *Petition for [ permission to appeal.— ] Permission to Appeal.* Permission to appeal from an interlocutory order listed in [ paragraph ] subdivision (a) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order or the date of deemed denial in the trial court or other government unit with proof of service on all other parties to the matter in the trial court or other government unit and on the government unit or clerk of the trial court, who shall file the petition of record in such trial court. An application for an amendment of an interlocutory order to set forth expressly either the statement specified in 42 Pa.C.S. § 702(b) or the one in Pa.R.A.P. 341(c) shall be filed with the trial court or other government unit within 30 days after the entry of such interlocutory order, and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary. The petitioner must file the original and one copy. Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [ paragraph ] subdivision, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give notice of the docket number assignment to the government unit or clerk of the trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

\* \* \* \* \*

[ Official Note ] Comment:

\* \* \* \* \*

[ See the Official Note ] See the Comment to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817, **Form 3800, Form 3806**, or other similar United States Postal Service form from which the date of deposit can be verified is used.

\* \* \* \* \*

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

Rule 1514. Filing and Service of the Petition for Review.

(a) *Filing with the [ prothonotary.— ] Prothonotary.*

(1) The petition for review, with proof of the service that is required by [ paragraph ] subdivision (c) [ of this rule ], shall be filed with the prothonotary of the appellate court in person or by first class, express, or priority United States Postal Service mail.

(2) If the petition for review is filed by first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817[ , ] Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

(3) Upon actual receipt of the petition for review, the prothonotary shall immediately:

[ (1) ] (i) stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [ paragraph ] subdivision, shall constitute the date of filing;

[ (2) ] (ii) assign a docket number to the petition for review; and

[ (3) ] (iii) give written notice of the docket number assignment in person or by first class mail to the government unit that made the determination sought to be reviewed, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

\* \* \* \* \*

[ Official Note: See the Official Note ] Comment:

See the Comment to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817, **Form 3800, Form 3806**, or other similar United States Postal Service form from which the date of deposit can be verified is used.

\* \* \* \* \*

CHAPTER 16. SPECIALIZED REVIEW

IN GENERAL

Rule 1602. Filing.

\* \* \* \* \*

(b) *Deemed [ received on date of mailing.— ] Received on Date of Mailing.*

(1) If the petition for specialized review is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form**

**3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified.

(2) The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for specialized review the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [ paragraph ] subdivision, shall constitute the date of filing, which date shall be shown on the docket.

(3) The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the trial court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

\* \* \* \* \*

**CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS**

**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1925. Opinion in Support of Order.**

\* \* \* \* \*

(b) *Direction to [ file statement of errors complained of on appeal; instructions to the appellant and the trial court.— ] File Statement of Errors Complained of on Appeal; Instructions to the Appellant and the Trial Court.* \* \* \* \* \*

(1) [ *Filing and service.— ] Filing and Service.* The appellant shall file of record the Statement and concurrently shall serve the judge. Filing of record shall be as provided in Pa.R.A.P. 121(a) and, if mail is used, shall be complete on mailing if the appellant obtains a United States Postal Service Form 3817[ , ] Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified in compliance with the requirements set forth in Pa.R.A.P. 1112(c). Service on the judge shall be at the location specified in the order, and shall be either in person, by mail, or by any other means specified in the order. Service on the parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).

\* \* \* \* \*

**CHAPTER 25. POST-SUBMISSION PROCEEDINGS APPLICATION FOR REARGUMENT**

**Rule 2542. Time for Application for Reargument. Manner of Filing.**

(a) *Time.*

(1) [ *General rule.— ] General Rule.* Except as otherwise prescribed by this rule, an application for reargument shall be filed with the prothonotary within 14 days after entry of the judgment or other order involved.

(2) [ *Children’s fast track appeals.— ] Children’s Fast Track Appeals.* In a children’s fast track appeal, an

application for reargument shall be filed with the prothonotary within 7 days after entry of the judgment or other order involved.

(b) *Manner of Filing.*—If the application for reargument is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the application shall be deemed received by the prothonotary for the purposes of [ **Rule ] Pa.R.A.P.** 121(a) (filing) on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the court in which reargument is sought and shall be enclosed with the application or separately mailed to the prothonotary. Upon actual receipt of the application, the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when application was sought, which date shall be shown on the docket.

[ *Official Note: Former Supreme Court Rule 64, former Superior Court Rules 55 and 58 and former Commonwealth Court Rule 113A required the application for reargument to be filed within ten days of the entry of the order. ]*

**Comment:**

Under [ **Rule ] Pa.R.A.P.** 105(b) (enlargement of time) the time for seeking reargument may be enlarged by order, but no order of the Superior Court or of the Commonwealth Court, other than an actual grant of reargument meeting the requirements of [ **Rule ] Pa.R.A.P.** 1701(b)(3) (authority of lower court or agency after appeal), will have the effect of postponing the finality of the order involved under [ **Rule ] Pa.R.A.P.** 1113 (time for petitioning for allowance of appeal).

[ *The 1986 amendment provided that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing.*

*The 2008 amendment provides that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. ]*

**ARTICLE III. MISCELLANEOUS PROVISIONS**

**CHAPTER 33. BUSINESS OF THE SUPREME COURT**

**ORIGINAL MATTERS**

**Rule 3307. Applications for Leave to File Original Process.**

\* \* \* \* \*

(b) *General [ rule.— ] Rule.* The initial pleading in any original action or proceeding shall be prefaced by an

application for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter, if known, and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be filed as in other original actions. An adverse party may file an answer no later than 14 days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed. Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings, and answer to the application, if any, shall be distributed by the prothonotary to the Supreme Court for its consideration.

\* \* \* \* \*

**KING'S BENCH MATTERS**

**Rule 3309. Applications for Extraordinary Relief.**

(a) *General [rule.—]* **Rule.** An application for relief under 42 Pa.C.S. § 726 (extraordinary jurisdiction), or under the powers reserved by the first sentence of Section 1 of the Schedule to the Judiciary Article, shall show service upon all persons who may be affected thereby, or their representatives, and upon the clerk of any court in which the subject matter of the application may be pending. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter if known and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be governed by [ **Rule** ] **Pa.R.A.P.** 1112 (entry of appearance) unless no appearances have been entered below, in which case appearances shall be filed as in original actions.

\* \* \* \* \*

**CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT**

**SUMMARY AND FORMAL PROCEEDINGS AGAINST INSURERS**

**Rule 3781. Claim Procedure in Liquidation Proceedings.**

(a) *Filing a [proof of claim.]* **Proof of Claim.**

(1) A creditor asserting a monetary claim against the insurer's estate shall file a proof of claim with the liquidator in accordance with Article V.

(2) In the notice to potential creditors of the insurer's estate, the liquidator shall provide a proof of claim form that complies with Article V.

(3) The completed proof of claim form and supporting documentation shall be filed with the liquidator. A proof of claim form is filed when received by the liquidator except as described below. The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer. If filing is accomplished by fax, the claimant shall also comply with the requirements of [ **Pa.R.C.P. No.** ] **Pa.R.Civ.P.** 440(d)(2), relating to a fax cover sheet.

\* \* \* \* \*

**CHAPTER 40. APPEALS ARISING UNDER THE PENNSYLVANIA CODE OF MILITARY JUSTICE**

**Rule 4002. Manner of Taking Appeal.**

An appeal shall be taken by filing, in person or by first class, express, or priority United States Postal Service mail, a notice of appeal with the State Judge Advocate for the respective branch of service in which the court-martial has been convened.

If the notice of appeal is filed by first class, express, or priority United States Postal Service mail, the notice shall be deemed received by the State Judge Advocate for the purposes of filing on the date deposited in the United States mail, shown on a United States Postal Service Form 3817[ , ] Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the State Judge Advocate.

**APPELLATE COURT PROCEDURAL RULES COMMITTEE**

**ADOPTION REPORT**

**Amendment of Pa.R.A.P. 1101, 1112, 1123, 1311, 1514, 1602, 1925, 2542, 3307, 3309, 3781, and 4002**

On September 11, 2023, the Supreme Court of Pennsylvania adopted amendments to Rules of Appellate Procedure 1101, 1112, 1123, 1311, 1514, 1602, 1925, 2542, 3307, 3309, 3781, and 4002. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Committee proposed the amendment of these rules to update and reference the forms used by the United States Postal Service and commonly accepted by the prothonotaries of the appellate courts as proof of mailing to satisfy Pa.R.A.P. 121. In addition to USPS form 3817 Certificate of Mailing, each rule now specifies that two



commonly used forms, USPS Form 3800 Receipt for Certified Mail and Form 3806 Receipt for Registered Mail, may be used to confirm the date of deposit in the USPS mail. Stylistic revisions to the text of each rule were also made.

The Committee did not previously publish these amendments for comment because they are technical in nature and do not affect current practice or procedure.

The amendments become effective on January 1, 2024.

The following commentary from Pa.R.A.P. 2542 has been removed by this rulemaking:

**Official Note:** Former Supreme Court Rule 64, former Superior Court Rules 55 and 58 and former Commonwealth Court Rule 113A required the application for reargument to be filed within ten days of the entry of the order.

\* \* \* \* \*

The 1986 amendment provided that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing.

The 2008 amendment provides that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified.

[Pa.B. Doc. No. 23-1275. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

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

#### Proposed Amendment of Pa.R.Civ.P. 220.3

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 220.3 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:

Karla M. Shultz, Deputy Chief Counsel  
Civil Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9526  
civilrules@pacourts.us

All communications in reference to the proposal should be received by November 10, 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 Civil Procedural  
Rules Committee*

MAUREEN MURPHY McBRIDE,  
*Chair*

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

*(Editor's Note:* Pa.R.Civ.P. 220.3 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the "Explanatory Comment" text is not codified.)

Rule 220.3. [ **Voir Dire.** ] ***Voir Dire of Jurors.***

(a) ***Judge's Presence Required. Voir dire of prospective jurors shall be conducted, and the jurors shall be selected, in the presence of a judge, unless the judge's presence is waived by all parties with the consent of the court.***

(b) ***Instruction of Juror Duties.*** Upon completion of the oath, the judge shall instruct the prospective jurors upon their duties and restrictions while serving as jurors, and of any sanctions for violation of those duties and restrictions, including those in Rules 220.1 and 220.2.

[ (b) ] (c) [ **Voir dire** ] ***Juror Information. Voir dire*** shall be conducted to provide the opportunity to obtain, at a minimum, a full description of the following information, where relevant, concerning the prospective jurors and their households:

- (1) [ **Name** ] ***name***;
- (2) [ **Date** ] ***year*** and place of birth;
- (3) [ **Residential** ] ***residential*** neighborhood and zip code (not street address);
- (4) [ **Marital** ] ***marital*** status;
- (5) [ **Nature** ] ***nature*** and extent of education;
- (6) [ **Number** ] ***number*** and ages of children;
- (7) [ **Name** ] ***name***, age, and relationship of members of prospective juror's household;
- (8) [ **Occupation** ] ***occupation*** and employment history of the prospective juror, the juror's spouse and children, and members of the juror's household;
- (9) [ **Involvement** ] ***involvement*** as a party or a witness in a civil lawsuit or criminal case;
- (10) [ **Relationship** ] ***relationship***, friendship, or association with a law enforcement officer, a lawyer, or any person affiliated with the courts of any judicial district;
- (11) [ **Relationship** ] ***relationship*** of the prospective juror or any member of the prospective juror's immediate family to the insurance industry, including employee, claims adjuster, investigator, agent, or stockholder in an insurance company;
- (12) [ **Motor** ] ***motor*** vehicle operation and licensure;

(13) [ **Physical** ] **physical** or mental condition affecting ability to serve on a jury;

(14) [ **Reasons** ] **reasons** the prospective juror believes [ **he or she** ] **the prospective juror** cannot or should not serve as a juror;

(15) [ **Relationship** ] **relationship**, friendship, or association with the parties, the attorneys, and prospective witnesses of the particular case to be heard;

(16) [ **Ability** ] **ability** to refrain from using a computer, cellular telephone, or other electronic device with communication capabilities in violation of the provisions of Rule 220.1; and

(17) [ **Such** ] **such** other pertinent information as may be appropriate to the particular case to achieve a competent, fair, and impartial jury.

[ **Note: For example, under presently prevailing law as established by the Superior Court, *voir dire* should have been allowed with respect to the effect of pre-trial publicity on prospective jurors' "attitudes regarding medical malpractice and tort reform." *Capoferri v. Children's Hosp. of Phila.*, 893 A.2d 133 (Pa. Super. 2006) (en banc). ]**

[ (c) ] (d) ***Voir Dire by Written Questionnaire Permitted.*** The court may provide for [ **voir dire** ] ***voir dire*** to include the use of a written questionnaire. [ **However, the** ] **The** use of a written questionnaire without the opportunity for oral examination by the court or counsel is not a sufficient [ **voir dire** ] ***voir dire***.

[ **Note: The parties or their attorneys may conduct the examination of the prospective jurors unless the court itself conducts the examination or otherwise directs that the examination be conducted by a court employee. Any dispute shall be resolved by the court.**

**A written questionnaire may be used to facilitate and expedite the voir dire examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions. ]**

[ (d) ] (e) ***Individual Voir Dire Permitted.*** The court may permit all or part of the examination of a juror out of the presence of other jurors.

**(f) *Recording of Voir Dire. Voir dire, including all rulings by a judge, shall be recorded in full. The recording shall be transcribed only upon written request of a party or order of court.***

**Comment:**

***Subdivision (a)—The permitted waiver is a waiver only of the judge's physical presence during voir dire. It is not a waiver of a party's opportunity to create a record or to have the judge make decisions based upon that record. This subdivision is also intended to provide flexibility to permit another judge, or a senior judge, in the judicial district to preside over voir dire, as circumstances warrant.***

***Subdivision (c)(17)—See *Capoferri v. Children's Hospital of Philadelphia*, 893 A.2d 133 (Pa. Super. 2006) (en banc) (*voir dire* should have been allowed with respect to the effect of pre-trial publicity on***

***prospective jurors' "attitudes regarding medical malpractice and tort reform"), as an example of the type of information that may be sought from potential jurors to achieve a competent, fair, and impartial jury in a particular case.***

***Subdivision (d)—The parties or their attorneys may conduct voir dire of the prospective jurors unless the court itself conducts voir dire or otherwise directs that the voir dire be conducted by a court employee. Any dispute shall be resolved by the court.***

***A written questionnaire may be used to facilitate and expedite the voir dire by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions.***

**Historical Commentary**

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

**EXPLANATORY COMMENT—1997**

New Rule 220.1 governing voir dire, the examination of prospective jurors, furthers the goal of establishing a uniform civil practice throughout the Commonwealth with respect to the information which the parties may obtain concerning prospective jurors.

The rule specifies the information which the parties should be able to obtain through voir dire but does not require a particular manner of voir dire. Subdivision (a) is devoted to listing the information to which the parties are entitled.

The rule does not dictate the mechanics of voir dire, but leaves the method of voir dire to the local courts of common pleas. Subdivision (b) does give some guidance, however. Voir dire may include the use of a written questionnaire, but no form of questionnaire is mandated or suggested. The note observes that a written questionnaire may "facilitate and expedite" voir dire by providing basic background information. The rule provides that "the use of a written questionnaire without the opportunity for oral examination is not a sufficient voir dire." The parties are entitled to both hear prospective jurors and observe their demeanor.

The rule recognizes that service upon a jury may be a new and disquieting experience to citizens called as prospective jurors. Information may be sought which a prospective juror feels uncomfortable revealing in open court. Thus, subdivision (c) provides that the "court may permit all or part of the examination of a juror out of the presence of other jurors."

**EXPLANATORY COMMENT—2008**

Rule 220.1 governing *voir dire* has been amended with the addition of a note to subdivision (a)(16). Subdivision (a) lists the information to which parties are entitled to obtain during *voir dire*, concluding with a catch-all provision in subparagraph (16). The note cites *Capoferri v. Children's Hospital of Philadelphia*, 893 A.2d 133 (Pa. Super. 2006) (en banc), as an example of the type of information that may be sought from potential jurors pursuant to subparagraph (16) to achieve a competent, fair and impartial jury in a particular case.

**EXPLANATORY COMMENT—2015**

The Supreme Court of Pennsylvania has adopted new Rules 220.1 and 220.2 and the amendment of current Rules 220.1 and 223.1. The changes are intended to

provide guidance to the bench and bar regarding the use of electronic devices by jurors in civil cases.

The new rules and amendments provide for jurors to be instructed that the use of electronic devices is restricted during their tenure as a prospective juror, *i.e.* a member of the jury pool, and as a selected juror. The new provisions require the trial court to instruct jurors that they may not conduct independent research on the Internet about the case, communicate about the case electronically, *e.g.* “tweet” or “blog,” or use such devices during juror service. A trial court is required to instruct jurors at the earliest opportunity of interaction between the juror and the trial court, and then repeat those instructions as often as practicable. The new rules and amendments provide for sanctions against any person who violates the provisions of these rules. It should also be noted that a note to new Rule 220.1 cross-references Section 1.180 of the Pennsylvania Suggested Civil Jury Instructions, Pa. SSJI (Civ), § 1.180. These instructions specifically address the use of electronic devices by jurors.

While the proposal focuses on the use of electronic devices by jurors, it remains silent as to their use in the courtroom by the public and media. Rule of Judicial Administration 1910 outlines the responsibility of a trial court regarding the broadcasting, televising, or taking of photographs in the courtroom in civil proceedings.

### SUPREME COURT OF PENNSYLVANIA PUBLICATION REPORT

#### Proposed Amendment of Pa.R.Civ.P. 220.3

The Civil Procedural Rules Committee is considering recommending the amendment of Pennsylvania Rule of Civil Procedure 220.3 to require *voir dire* of jurors to be conducted in the presence of a judge unless the parties and the judge agree to waive that requirement.

In *Trigg v. Children’s Hospital of Pittsburgh of UPMC*, 229 A.3d 260 (Pa. 2020), the Supreme Court examined *voir dire* procedures set forth in Allegheny County Local Rule 220.1. Pursuant to this local rule, Allegheny County did not require the trial judge to preside over jury selection. Rather, potential jurors met with a court clerk assigned by the Calendar Control Judge and the parties’ attorneys. The potential jurors were asked standard questions by the clerk; the attorneys were then permitted to ask five additional questions. Follow-up questions were permitted to clarify a juror’s answer. When challenging a juror for cause, the attorneys and the juror returned to the Calendar Control Judge, who read a transcript of the *voir dire* of the juror and then ruled on the challenge for cause.<sup>1</sup>

The trial court in *Trigg* denied the plaintiffs’ request to strike prospective jurors for cause. Instead, the plaintiffs were required to use peremptory challenges. On appeal to the Superior Court, the plaintiffs argued that the trial court erred by failing to observe the demeanor and tenor of prospective jurors during the initial questioning by the court clerk.

In its opinion, the Superior Court acknowledged that deference is given to the trial court in jury selection unless there is a palpable error. See *McHugh v. Proctor & Gamble*, 776 A.2d 266 (Pa. Super. 2001). The court concluded that this standard could not be extended to trial judges who fail to observe *voir dire* in person. It emphasized the importance for the trial judge to view the demeanor of prospective jurors. Without doing so, the

trial judge does not acquire “the wisdom or insight that he could have from noting a jurors’ [sic] furtive glance, a tremor of voice, a delayed reply, a change in posture, or myriads of other body language.” *Trigg v. Children’s Hospital of Pittsburgh of UPMC*, 187 A.3d 1013, 1017 (Pa. Super. 2018). The court stated that “re-questioning prospective jurors could never reproduce the authentic reactions that they displayed when the questions were originally asked,” and concluded that “[a] judge personally witnessing the original *voir dire* is essential, because it justifies our—and a losing party’s—faith in the trial court’s rulings on challenges for cause.” *Id.* at 1017-18.

On appeal to the Supreme Court, the majority vacated and remanded the Superior Court judgment on the basis that the issue had been waived for appellate review because no objection to the trial judge not being present during *voir dire* was placed on the record. Notwithstanding finding waiver, the majority urged the adoption of a Rule of Civil Procedure similar to Pa.R.Crim.P. 631 requiring the judge to preside at *voir dire*.

Both Justice Donohue and Justice Wecht wrote concurring opinions. They each wrote separately to assert the importance of the trial judge presiding over *voir dire* as fundamental to ensuring a fair and impartial jury. Notably, both pointed out the disparity in *voir dire* requirements in the procedural rules. Pa.R.Crim.P. 631 sets forth the mechanics for *voir dire* in criminal jury trials and requires, *inter alia*, *voir dire* to be conducted in the presence of a judge unless the parties and the judge agree to waive that requirement. In contrast, there is a lack of similar specific requirements in the Rules of Civil Procedure; such requirements have been left to the individual courts of common pleas. Both Justices concluded by asserting that this disparity should be referred to the Committee for examination.

Consistent with the Supreme Court’s urging, the Committee undertook review of current practices of *voir dire* in civil cases and the provisions of Pa.R.Crim.P. 631 requiring the judge to preside over *voir dire*. It was reported to the Committee that the practice in counties with a high volume of cases is for the trial judge to perform other duties while jurors are being selected. For example, a judge may be concluding a trial while a jury is being selected for the next trial. Or, a judge may be presiding over a non-jury arbitration appeal while the jurors are selected for the next trial on that judge’s docket. The Committee acknowledges that these practices enhance the efficiency and efficacy of judicial resources to timely try cases. Moreover, the Committee is cognizant that changing these practices may impact judicial operations and create logistical burdens to overcome.

The Committee has incorporated two aspects of Pa.R.Crim.P. 631 into the proposed amendment. The first aspect is new subdivision (a). This subdivision would be added to require a judge to preside over *voir dire* unless the judge’s presence is waived by the parties and with the consent of the court. This provision is intended to comply with the Supreme Court’s directive in *Trigg*. It should be noted that the waiver permitted in subdivision (a) is a waiver only of the judge’s physical presence during *voir dire*. It is not a waiver of a party’s opportunity to create a record or to have the judge make decisions based upon that record. To afford some flexibility to address logistical concerns, this new subdivision is intended to permit another judge, or a senior judge, in the judicial district to preside over *voir dire*, as circumstances warrant. Commentary has been added to advise of these nuances to the proposed amendment.

<sup>1</sup> Allegheny County has subsequently amended Local Rule 212.2 governing pre-trial statements to permit, *inter alia*, a party to request that a judge preside over *voir dire*.



The second aspect is new subdivision (f). This subdivision would require *voir dire* to be recorded in full, including all rulings by the trial judge. The recording would only be transcribed upon the written request of a party or by order of court. Adding this provision will make Rule 220.3 consistent with the procedures in Pa.R.Crim.P. 631.

The Committee also considered whether subdivision (d) (*voir dire* by written questionnaire permitted) should be amended to add procedures addressing the preservation of the written questionnaire as an exhibit to the proceeding for appellate review. At this juncture, the Committee believes that the creation of an adequate record is more a matter of practice than procedure. The Committee specifically requests input from the bench and bar on whether such an amendment is necessary and would provide needed clarity.

\* \* \* \* \*

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 23-1276. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

### [ 234 PA. CODE CH. 5 ]

#### Order Amending Rule 574 of the Pennsylvania Rules of Criminal Procedure; No. 548 Criminal Procedural Rules Docket

##### Order

*Per Curiam*

*And Now*, this 11th day of September, 2023, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 574 of the Pennsylvania Rules of Criminal 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 January 1, 2024.

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

Deletions from the rule are shown in bold and brackets.

##### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

##### PART G. Procedures Following Filing of Information

(*Editor's Note*: Rule 574 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")

#### Rule 574. Forensic Laboratory Report; Certification In Lieu of Expert Testimony.

[ (A) ] (a) In any trial, the attorney for the Commonwealth may seek to offer into evidence a forensic laboratory report supported by a certification, as provided in

[ paragraph (E) ] subdivision (e), in lieu of testimony by the person who performed the analysis or examination that is the subject of the report.

##### [ (B) ] (b) Notice.

(1) If the attorney for the Commonwealth intends to offer the forensic laboratory report and accompanying certification as provided in [ paragraph (A) ] subdivision (a) as evidence at trial, the attorney for the Commonwealth shall file and serve, as provided in Rule 576, upon the defendant's attorney or, if unrepresented, the defendant a written notice of that fact at the time of the disclosure of the report but no later than 20 days prior to the start of trial.

(2) The notice shall include a statement informing the defendant that, as provided in [ paragraph (C)(3) ] subdivision (c)(3), if no written demand for testimony by the person who performed the analysis or examination that is the subject of the forensic laboratory report is made within 10 days of the service of the notice, the forensic laboratory report and accompanying certification are admissible in evidence without the person who performed the analysis or examination testifying.

(3) Except as provided in [ paragraph (C) ] subdivision (c), the laboratory report and accompanying certification are admissible in evidence to the same effect as if the person who performed the analysis or examination had personally testified.

##### [ (C) ] (c) Demand.

(1) Within 10 days of service of the notice provided in [ paragraph (B) ] subdivision (b), the defendant's attorney, or if unrepresented, the defendant may file and serve, as provided in Rule 576, upon the attorney for the Commonwealth a written demand for the person who performed the analysis or examination that is the subject of the forensic laboratory report to testify at trial.

(2) If a written demand is filed and served, the forensic laboratory report and accompanying certification are not admissible under [ paragraph (B)(3) ] subdivision (b)(3) unless the person who performed the analysis or examination testifies.

(3) If no demand for live testimony regarding the forensic laboratory report and accompanying certification is filed and served within the time allowed by this section, the forensic laboratory report and accompanying certification are admissible in evidence without the person who performed the analysis or examination testifying.

[ (D) ] (d) *Extension*. For cause shown, the judge may:

(1) extend the time period for filing the notice or **for filing** the demand for live testimony[ , ]; or

(2) [ **may** ] grant a continuance of the trial.

##### [ (E) ] (e) Certification.

The person who performed the analysis or examination that is the subject of the forensic laboratory report shall complete a certification in which the person shall state:

(1) the education, training, and experience that qualify him or her to perform the analysis or examination;

(2) the entity by which he or she is employed and a description of his or her regular duties;

(3) the name and location of the laboratory where the analysis or examination was performed;

(4) any state, national, or international accreditations of the laboratory at which the analysis or examination was performed; [ and ]

(5) that the analysis or examination was performed under industry-approved procedures or standards; and

(6) the report accurately reflects the findings and opinions of the person who performed the analysis or examination regarding the results of the analysis or examination.

Comment:

This rule was adopted in 2014 to address the issues raised by the U.S. Supreme Court's decision in *Melendez-Diaz v. Massachusetts*, [ 129 U.S. 2527 ] 557 U.S. 305 (2009), that held that the 6th Amendment confrontation right precluded presentation of laboratory reports without a live witness testifying in the trial. In *Melendez-Diaz*, the U.S. Supreme Court noted with approval the use of "notice and demand" procedures as a means of permitting routine laboratory reports to be admitted without the expense of supporting the admission by live expert testimony while protecting a defendant's confrontation rights.

This rule provides a "notice and demand" procedure for Pennsylvania. Under the rule, the attorney for the Commonwealth may seek to admit a forensic laboratory report as evidence without the testimony of the analyst who performed the testing that was the subject of the report if notice requirements are met and no demand for the presence of the analyst is made. If the defendant makes such a demand, the analyst would be required to testify before the report could be admitted into evidence.

Nothing in this rule is intended to preclude a stipulation agreed to by the parties for the admission of the laboratory report without the analyst's presence.

Nothing in the rule would prevent further stipulation by the parties in light of the admission of the report and certification.

Nothing in this rule is intended to change the requirement for the provision of discovery under Rule 573.

Under [ paragraph (D) ] subdivision (d), the trial judge may permit filing of the notice or demand after the time period required in the rule if the party seeking the late filing shows cause for the delay. In the situation where the judge permits the late filing of the notice, the defendant still has 10 days in which to make the demand for the live testimony of the analyst. This may necessitate a continuance of the trial.

The certification in [ paragraph (E) ] subdivision (e) does not require a description of the actual tests performed for the analysis. This information more properly belongs in the report itself. Since one of the goals of this rule is to permit the defendant to make an informed decision regarding whether to demand the live testimony of the analyst, the report should provide information sufficient to describe the methodology by which the results were determined.

For purposes of this rule, a laboratory is "accredited" when its management, personnel, quality system, operational and technical procedures, equipment and physical facilities meet [ standards established by a recognized state, national, or international accrediting organization such as the American Society of Crime Laboratory Directors/Laboratory Accrediting Board (ASCLD/LAB) or Forensic Quality Services—International (FQS-I) ] the ISO/IEC 17025 standard in

the forensic field of testing as determined by an International Laboratory Accreditation Cooperation recognized accreditation organization that has been evaluated to meet the ISO/IEC 17011 standard and that has expertise in the forensic laboratory accreditation field.

[ Note: New Rule 574 adopted February 19, 2014, effective April 1, 2014.

*Committee Explanatory Reports:*

Final Report explaining new Rule 574 providing for notice and demand procedures regarding forensic laboratory reports published with the Court's Order at 44 Pa.B. 1311 (March 8, 2014). ]

SUPREME COURT OF PENNSYLVANIA  
CRIMINAL PROCEDURAL RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.Crim.P. 574

On September 11, 2023, the Supreme Court amended Pennsylvania Rule of Criminal Procedure 574 governing the admission of a certified forensic lab report in lieu of the expert appearing and testifying in court. The Criminal 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.

The Juvenile Court Procedural Rules Committee was asked to consider a new Rule of Juvenile Court Procedure similar to Pa.R.Crim.P. 574 (Forensic Laboratory Report; Certification In Lieu of Expert Testimony). The proposed rule would govern the admission of a certified forensic lab report in lieu of the expert appearing and testifying in court. One reason for the requested rulemaking was to increase consistency among the bodies of rules for prosecutors and defenders crossing over from criminal proceedings to delinquency proceedings. To that end, the Juvenile Court Procedural Rules Committee published for comment proposed Pa.R.J.C.P. 405. See 52 Pa.B. 7266 (November 26, 2022).

One commenter, the American Association of Laboratory Accreditation, recommended that the Comment not name specific certifying organizations because the certifying organization contained in the Comment no longer exists as named. Instead, the Association suggested referencing the forensic testing standard and the standard for the accrediting body. The Association provided information as to the specific standards. That suggestion was incorporated into the Comment to Pa.R.J.C.P. 405. Because the same certifying organization was referenced in the Comment to Pa.R.Crim.P. 574, the Criminal Procedural Rules Committee has likewise incorporated the Association's suggestion into the Comment to Pa.R.Crim.P. 574. Additionally, Pa.R.Crim.P. 574 has been restyled, subdivision (d) and (e) have been deconstructed to improve readability, and a citation to authority has been corrected.

The following commentary has been removed from Rule 574:

**Official Note:** New Rule 574 adopted February 19, 2014, effective April 1, 2014.

*Committee Explanatory Reports:*

Final Report explaining new Rule 574 providing for notice and demand procedures regarding forensic laboratory reports published with the Court's Order at 44 Pa.B. 1311 (March 8, 2014).

The amendment of Rule 574 becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1277. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

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

### Order Adopting Rule 405 of the Pennsylvania Rules of Juvenile Court Procedure; No. 959 Supreme Court Rules Docket

#### Order

*Per Curiam*

And Now, this 11th day of September, 2023, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 52 Pa.B. 7266 (November 26, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Juvenile Court Procedure 405 is adopted in the attached form.

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

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 4. ADJUDICATORY HEARING

The following text is entirely new.

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

#### Rule 405. Forensic Laboratory Report and Certification.

(a) *Report and Certification In Lieu of Expert Testimony.*

(1) If the requirements of this rule have been met, the attorney for the Commonwealth may seek to offer a forensic laboratory report into evidence in lieu of testimony in any adjudicatory hearing of a non-detained juvenile.

(2) The report shall be supported by a certification, as provided in subdivision (e), from the expert who drafted the report and performed the analysis or examination.

(b) *Notice.*

(1) The attorney for the Commonwealth shall file the written notice and serve the written notice, together with the report and certification, upon the juvenile's attorney.

(2) The notice shall include a statement informing the juvenile that:

(i) if no written demand for testimony is made within 10 days of the service of the notice, the forensic laboratory report and certification are admissible in evidence, as provided in subdivision (c)(3); and

(ii) the expert who drafted the report does not have to testify.

(3) Service shall occur no later than 20 days prior to the adjudicatory hearing.

(4) Once entered into evidence, the report and certification shall qualify as if the expert had testified personally.

(c) *Demand.*

(1) Within 10 days of service of the notice, the juvenile's attorney may file and serve a written demand upon the attorney for the Commonwealth requiring the expert to testify at the adjudicatory hearing.

(2) If a written demand is filed and served, the expert must testify.

(3) If no demand is filed and served as required by subdivision (c)(1), the report and certification are admissible in evidence without the expert's testimony.

(d) *Extension.* For cause shown, the judge may:

(1) extend the time requirements of this rule; or

(2) grant a continuance of the adjudicatory hearing.

(e) *Certification.* The expert shall complete a certification providing:

(1) the education, training, and experience that qualify the expert to perform the analysis or examination;

(2) the entity by which the expert is employed and a description of the expert's regular duties;

(3) the name and location of the laboratory where the analysis or examination was performed;

(4) any state, national, or international accreditations of the laboratory at which the analysis or examination was performed;

(5) that the analysis or examination was performed under industry-approved procedures or standards; and

(6) the report accurately reflects the findings and opinions of the expert.

#### Comment:

This rule is intended to establish a uniform procedure for delinquency proceedings, similar to Pa.R.Crim.P. 574, for the admission of laboratory reports without the expense of live expert testimony while protecting a juvenile's confrontation rights. The rule provides a "notice and demand" procedure for delinquency proceedings. Under this rule, the attorney for the Commonwealth may seek to admit a forensic laboratory report as evidence without expert testimony if the notice requirements are met and no demand for the presence of the expert is made. If the juvenile makes such a demand, the expert is required to testify before the report can be admitted into evidence.

Given the prompt adjudicatory hearing requirement of the Juvenile Act, 42 Pa.C.S. § 6335(a) (if the juvenile is detained, then the adjudicatory hearing must be held within 10 days of the filing of a petition), this rule is only available for adjudicatory hearings of non-detained juveniles. See Pa.R.J.C.P. 404(B) (if the juvenile is not detained, then the adjudicatory hearing must be held within a reasonable time).

Nothing in this rule is intended to: 1) preclude a stipulation agreed to by the parties for the admission of the report without the expert's presence; 2) prevent further stipulation by the parties in light of the admission of the report and certification; or 3) change the discovery requirements pursuant to Rule 340.

Pursuant to subdivision (d), the court may permit filing of the notice or demand after the time period required in the rule if the party seeking the late filing shows cause



for the delay. In the situation where the judge permits the late filing of the notice, the juvenile still has ten days to make the demand for the live testimony of the expert. This may necessitate a continuance of the adjudicatory hearing.

The certification in subdivision (e) does not require a description of the actual tests performed for the analysis. This information more properly belongs in the report itself. Because one of the goals of this rule is to permit the juvenile to make an informed decision regarding whether to demand the live testimony of the expert, the report should provide information sufficient to describe the methodology by which the results were determined.

For purposes of this rule, a laboratory is “accredited” when its management, personnel, quality system, operational and technical procedures, equipment, and physical facilities meet the ISO/IEC 17025 standard in the forensic field of testing as determined by an International Laboratory Accreditation Cooperation recognized accreditation organization that has been evaluated to meet the ISO/IEC 17011 standard and that has expertise in the forensic laboratory accreditation field.

See Rule 345 for filing and service requirements.

**SUPREME COURT OF PENNSYLVANIA  
JUVENILE COURT PROCEDURAL RULES  
COMMITTEE**

**ADOPTION REPORT**

**Adoption of Pa.R.J.C.P. 405**

On September 11, 2023, the Supreme Court adopted Pennsylvania Rule of Juvenile Court Procedure 405 governing the admission of a certified forensic lab report in lieu of the expert appearing and testifying in court. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Committee was requested to consider a new Rule of Juvenile Court Procedure mirroring Pa.R.Crim.P. 574 (Forensic Laboratory Report; Certification In Lieu of Expert Testimony) governing the admission of a certified forensic lab report in lieu of the expert appearing and testifying in court. The reasons for rulemaking include increased consistency among the bodies of rules for prosecutors and defenders crossing over from criminal proceedings to delinquency proceedings. Also, responses to offers of stipulation are sometimes not received so having a formal mechanism would be beneficial. Further, experts seem increasingly busy, and a rule that operates to relieve the burden of appearing when reports are uncontested would allow the experts to focus on the proceedings where reports are contested and would reduce lab testing backlogs.

The Committee previously published proposed Pa.R.J.C.P. 405, which provided for “notice and demand” procedures nearly identical to Pa.R.Crim.P. 574. See 44 Pa.B. 3306 (June 7, 2014). The Committee ultimately discontinued rulemaking because the timeframes were not compatible with adjudicatory hearings for detained juveniles. See Pa.R.J.C.P. 404(A) (hearing to be held within 10 days of the petition’s filing). Further, several commenters indicated that stipulations were a widely used and effective alternative to live expert witness testimony.

Given the prior comments, the Committee considered a rule largely modeled after Pa.R.Crim.P. 574 but that would exclude juveniles who were in pre-adjudication detention given the 10-day adjudicatory window for detained juveniles. The rate of pre-adjudication detention appears to be declining over time and most detentions now occur post-adjudication. Consequently, the “detention exclusion” would not erode the value of the rule. Additionally, the proposed rule would only be applicable in adjudicatory hearings pursuant to Pa.R.J.C.P. 406; it would not apply to probation revocation hearings.

The proposal was published for comment. See 52 Pa.B. 7266 (November 26, 2022). Two comments were received. The first commenter believed the proposed rule was necessary because stipulations to admit laboratory reports are “not necessarily the norm.”

The second commenter was the American Association for Laboratory Accreditation, which generally supported the rule. The Association recommended that the Comment not name specific certifying organizations because the certifying organization contained in the Comment no longer exists as named. Instead, the Association suggested referencing the forensic testing standard and the standard for the accrediting body. The Association provided information as to the specific standards. That suggestion was incorporated into the Comment.

This rule becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1278. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### **Administrative Order for Crime Victim Services and Compensation Fund, Local Victim Services Fund; AD 40 2023**

##### **Administrative Order**

And Now this 11th day of September, 2023, pursuant to Act 77 of 2022, Amendments to the Crime Victims Act, Title 18, Section 11.1101, Subsection (b), and the petition of Commonwealth, it is *Hereby Ordered*, this Court Approves the assessment of \$100, unless otherwise ordered by the Court, to the Crime Victim Services and Compensation Fund (“CVSC”) and Local Victim Services Fund. This Cost shall be imposed at both the Magisterial District Courts and the Court of Common Pleas of this Judicial District notwithstanding any statutory provision to the contrary.

Pursuant to Act 77, the disposition of this assessment is hereby *amended* as follows:

(1) Cost imposed under subsection (a) shall be paid into the newly established fund entitled, Crime Victim Services and Compensation Fund (“CVSC”); this fund will replace both existing Crime Victim’s Compensation Fund, and the Victim Witness Services Fund.

(2) 30% of any costs in excess of \$60 shall be paid to Crime Victim Services and Compensation Fund (“CVSC”).

(3) 70% of any costs in excess of \$60 shall be paid to Local Victim Services Fund, to be established and administered by the Lehigh County Fiscal Officer. The money in this fund shall be used only for victim services.

(4) The Lehigh County Fiscal Officer shall disperse money from Local Victim Services Fund at the discretion of the Lehigh County District Attorney.

As stipulated in Act 77 of 2022 as Amended, herein as follows and incorporated into this Order are the “Guidelines for Counties Establishing a Local Victim Services Fund” which was approved by the Victims Services Advisory Committee (VSAC) and approved by the PCCD Commission, to be followed for the administration of the Local Victim Services Fund.

*It Is Ordered* that this Administrative Order shall be effective on the date of this Order.

*It Is Further Ordered* that in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy of this Order with the Administrative Office of the Pennsylvania Courts;

(b) File two (2) certified copies and (1) disk copy of this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of this Order with Pennsylvania Criminal Procedural Rules Committee;

(d) File one (1) certified copy of this Order with the Clerk of Judicial Records Criminal Division of the Court of Common Pleas of Lehigh County; and

(e) Forward one (1) copy of this Order for publication in the *Lehigh County Law Journal*.

*By the Court*

J. BRIAN JOHNSON,  
*President Judge*

[Pa.B. Doc. No. 23-1279. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Establishing a Central Court for All Persons Charged with Violating Section 3802 of the Vehicle Code (Relating to Driving under the Influence of Alcohol or Controlled Substance); No.: 2023-J-0061

##### Administrative Order

*And Now*, this 1st day of September, 2023;

*It Is Ordered* that the Administrative Order entered March 18, 2019 is hereby amended in that the Lehigh County Court of Common Pleas DUI Central Court Procedures following thereto are amended at “DUI Central Court Personnel” subparagraph b. in that “DUI Criminal Court Clerk” is deleted. There shall be no need for the Criminal Court Clerk to attend the DUI Central Court date.

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

1. File one (1) copy of this Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) copies of this Order, and other copies that comply with the requirement of 1 Pa. Code Section 13.11(b) as necessary, with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. File one (1) copy of this Order with the Clerk of Judicial Records of Lehigh County—Criminal Division for public inspection and copying; and

4. Publish a copy of the amended DUI Central Court Procedures on this Court’s website.

*By the Court*

J. BRIAN JOHNSON,  
*President Judge*

[Pa.B. Doc. No. 23-1280. Filed for public inspection September 22, 2023, 9:00 a.m.]

## ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

### Selection of Special Independent Prosecutor’s Panel

Under 18 Pa.C.S. § 9511(a) (relating to organization of panel), the Court Administrator of Pennsylvania is required to determine and supervise the procedure for selecting members of a Special Independent Prosecutor’s Panel (Panel).

Through a random process conducted in accordance with the statute, the Court Administrator has chosen a Panel composed of one judge of the Superior Court of Pennsylvania and two judges of the Courts of Common Pleas. The judges selected include: the Honorable Deborah A. Kunselman, Judge of the Superior Court of Pennsylvania; the Honorable Chase G. McClister, Judge of the Court of Common Pleas of Armstrong County; and the Honorable Kelley T.D. Streib, Judge of the Court of Common Pleas of Butler County.

As provided by 18 Pa.C.S. § 9511(b), the members of the Panel serve terms of three years. The term of each member of the Panel commences on October 8, 2023.

The Prothonotary of the Superior Court of Pennsylvania serves as the clerk of the Panel. *See* 18 Pa.C.S. § 9511(e).

GEOFF MOULTON,  
*Court Administrator of Pennsylvania*

[Pa.B. Doc. No. 23-1281. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 9, 2023, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$275.00. The Order became effective September 8, 2023.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Abbott, James T.  
Oakton, VA

Adams, Alexandra Barbara  
Costa Mesa, CA

Alfieri, Dante Michael  
Matawan, NJ

Allen, Brian Christopher  
New Britain, CT

Beeker, Teresa Ooley  
Spartansburg, SC

Blust, Peter Francis  
Edgewater Park, NJ

Brennan, Joseph Christopher  
White River Junction, VT

Brooks, Dustin Todd  
Lubbock, TX

Bunis, Lawrence Jay  
Mount Laurel, NJ

Casey, Barbara A.  
Mount Laurel, NJ

Cherry, Bruce A.  
Brooklyn, NY

Concepcion, Theresa  
Sparrows Point, MD

Degnan, Philip J.  
Shamong, NJ

Dickens, Lisa B.  
Bedford, NY

Docken, Andrew William  
Harwich, MA

Dotts, Stephen William  
Newark, DE

Esser, Brittany  
Hoboken, NJ

Fassano, Anthony Michael  
West Collingswood Heights, NJ

Fazio, Roy Christopher  
Broomfield, CO

Fiore, Celeste  
Paramus, NJ

Flatch, Francis M.  
Mansfield, NJ

Frese, Alexis Lauren  
West Hollywood, CA

Galick, Peter Andrew  
Onalaska, WI

Gebauer, Jay A.  
Mount Laurel Township, NJ

Goldberg, Michael Louis  
Fort Lauderdale, FL

Golden, Timothy Joseph  
Walla Walla, WA

Gordner, Cole Jonathan  
Wilmington, DE

Groves, Erika Roxanne  
Durham, NC

Guthrie, Traci J.  
Houston, TX

Hahn, Michael Ross  
Voorhees, NJ

Halden, Virginia  
Kennewick, WA

Hammons, Terrence Gordon, Jr.  
Broadview Heights, OH

Handwerker, Gavin Ira  
Westfield, NJ

Harlan, Michael Daniel  
Canfield, OH

Harms, Julius F., III  
Surprise, AZ

Hughes, Bernard Joseph  
Rainier, OR

Knoerzer, Melissa Rose  
Mount Laurel, NJ

Lack, Craig D.  
Wilmington, DE

Llano, Jennifer De Los Angeles  
Miami, FL

Luther, Cara Jeanne  
Washington, DC

MacLeod, Ryan Scott  
Houston, TX

Margulis, Kaitlyn M.  
Summit, NJ

Marin, James  
High Bridge, NJ

McTiernan, Aileen Elizabeth  
New York, NY

Meredith-Batchelor, Jacklyn  
Logan Township, NJ

Mestecky, Christopher Frank  
Dix Hills, NY

Newcomb, Valerie Spino  
Wenonah, NJ

Norton, Sean Justin  
Pittston, ME

Reger, Samuel Prentis  
Rochester, NY

Reynolds, Charles Edward  
Cherry Hill, NJ

Rickert, Megan Rae  
Portland, OR

Rinaldi, Brian Anthony  
Flemington, NJ

Roberts, Marvin Kirby, III  
Austin, TX

Rosen, Evan S.  
East Windsor, NJ

Ryan, Maureen A.  
Rehoboth Beach, DE

Sawyer, Danielle Marlene  
Georgetown, DE

Schneider, Jordan  
New York, NY

Schwander, Christopher Michael, Jr.  
Newark, DE



Scott, Patricia Marie  
Wilmington, DE

Siegfried, Kirsten Joyce  
Harbeson, DE

Simonini, Michael Louis  
Toms River, NJ

Slider, Mark Joseph  
Ouray, CO

Stepanuk, Kevin D.  
Cape May, NJ

Stewart, Robert E.  
Belhaven, NC

Taieb, Steven Norman  
Mount Laurel, NJ

Washington, Kathryn Ann  
New Orleans, LA

Willard, Paul Martin  
Largo, FL

Willis, Stephen Juan  
Wilmington, DE

Witzer, Brian David  
Los Angeles, CA

Woodward, Thomas Aiken  
Orlando, FL

SUZANNE E. PRICE,  
*Attorney Registrar*

[Pa.B. Doc. No. 23-1282. Filed for public inspection September 22, 2023, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 17—CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[ 17 PA. CODE CH. 45 ]

#### Conservation of Pennsylvania Native Wild Plants

The Department of Conservation and Natural Resources (Department), under the authority of section 7(c) of the Wild Resource Conservation Act (WRCA) (32 P.S. § 5307(c)) and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (CNRA) (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)), amends Chapter 45 (relating to conservation of Pennsylvania native wild plants) as set forth in Annex A.

#### *Purpose*

The purpose of this final-form rulemaking is to amend Chapter 45 by updating Pennsylvania native wild plant species classification lists, including certain scientific names, common names and reference sources. (32 P.S. § 5307(c) and 71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

#### *Discussion*

The WRCA (32 P.S. §§ 5301—5314), inter alia, established a procedure for protection of wild flora/plants in this Commonwealth, including imposing powers and duties on the Department of Environmental Resources to investigate, classify and provide for the conservation of Pennsylvania wild plant populations.

The CNRA (71 P.S. §§ 1340.101—1340.1103), which, inter alia, created the Department under section 301 of the CNRA (71 P.S. § 1340.301) and under section 501 of the CNRA (71 P.S. § 1340.501) renamed the Department of Environmental Resources as the Department of Environmental Protection (DEP), provided that the Department shall exercise the powers and duties conferred upon the Department of Environmental Resources by section 305(a)(9) of the WRCA, including issuing and modifying regulations under section 313(g) of the WRCA.

The Department amends the conservation of Pennsylvania native wild plants regulations to update the following Pennsylvania native wild plant species classification lists, including updating certain scientific names, common names and reference sources: Pennsylvania Extirpated (§ 45.11), Pennsylvania Endangered (§ 45.12), Pennsylvania Threatened (§ 45.13), Pennsylvania Rare (§ 45.14) and Tentatively Undetermined (§ 45.21). The updates to the Pennsylvania native wild plant species classification lists include the following: (1) adding plant species to a classification list that are currently unclassified, (2) reclassifying plant species already on a classification list to a new classification and (3) removing plant species from the classification lists altogether (declassifying them).

This final-form rulemaking includes a total of 82 substantive changes to the conservation of Pennsylvania native wild plant regulation species classification lists as follows: (1) 24 currently unclassified native wild plant species will be newly classified, (2) 28 currently classified native wild plant species will be reclassified, including 3 species whose scientific names are changing/being updated (technically these are shown as the “old” name

being unclassified and the “new” name being classified) and (3) 30 currently classified native wild plant species will be unclassified.

The amendments to the Pennsylvania native wild plant species classification lists include updates to the scientific names for three native wild plant species and the common name for one native wild plant species. As botanical taxonomists make new discoveries about species, the Department’s standard reference, Ann Fowler Rhoads and Timothy A. Block, *The Plants of Pennsylvania: An Illustrated Manual Second Edition* (2007), Philadelphia, Pennsylvania: University of Pennsylvania Press (*The Plants of Pennsylvania*), may not include the most up-to-date nomenclature. In this final-form rulemaking, when the new name is not found in the standard reference, the alternate source is provided in parentheses.

#### *Process of classifying native wild plants in this Commonwealth*

Native wild plant species are those plant species that existed in this Commonwealth prior to European settlement. There are approximately 2,800 native wild plant species that currently exist or formerly existed in this Commonwealth. The Department classifies approximately 1/5 of these species because they are a conservation concern. The other 4/5 of these species are considered secure and thus not classified.

The Department begins the process of classifying native wild plants by collecting and analyzing data on native wild plant species in this Commonwealth. The Department uses the following data to make its classification decisions: numbers of populations known in this Commonwealth; number of individuals within populations; the plant’s range (within the United States and within this Commonwealth); threats such as pests, invasive species and habitat loss; decrease or increase in population numbers; and taxonomic information. (Note, this list is not exhaustive.) The Department analyzes this data to determine the population, distribution, habitat needs, limiting factors and other biological and ecological information about each plant species.

To make classification decisions, the Department uses data referred to as “State ranks.” In this Commonwealth, each plant species receives a State rank from the Pennsylvania Natural Heritage Program (Program). The Program assigns these ranks based on a methodology created by NatureServe, an international network of natural heritage programs. The purpose of NatureServe’s methodology is to bring consistency to the biodiversity conservation efforts of individuals and organizations throughout the Western Hemisphere. This methodology is used across North America, Central America and South America. By using this standard tool, the Department ensures its evaluation methods are, at a minimum, equivalent to those of other states and countries in the western hemisphere and that its classification decisions are based on sound science.

Throughout this process, the Department also receives data, information and recommendations from the Pennsylvania Biological Survey’s Vascular Plant Technical Committee (Committee). The Committee is composed of professional botanists working throughout this Commonwealth in academic, consulting, governmental and conservation organizations. Each year, the Committee makes

classification recommendations for native wild plants based on the research and expertise of its professional botanists.

The Department assimilates and reviews all data and recommendations it collects and receives and determines the appropriate classifications for each native wild plant species under the definitions in Chapter 45. This review process occurs continuously, as botanists are continually learning more about native wild plant species populations and threats. The Department will continue to update its classification lists as needed to reflect changes to native wild plant conservation needs.

#### *Native wild plant classifications*

How plants are classified determines the “management measures necessary for their continued ability to sustain themselves successfully.” (32 P.S. § 5307(a)). Native wild plant species that are at risk of extinction in this Commonwealth need greater protection than those less susceptible to that risk. Chapter 45 designates the level of risk facing Pennsylvania’s native wild plant species by classifying them as follows:

*Pennsylvania Extirpated* (§ 45.11)—A classification of plant species believed to be extinct in this Commonwealth. If a plant species classified as Pennsylvania Extirpated is later found to exist in this Commonwealth, it will automatically be considered classified as Pennsylvania Endangered.

*Pennsylvania Endangered* (§ 45.12)—A classification of plant species that are in danger of extinction throughout most or all of their natural range in this Commonwealth, if critical habitat is not maintained or if the species is greatly exploited by man. This classification also includes populations of plant species that have been classified as Pennsylvania Extirpated, but are subsequently found to exist in this Commonwealth.

*Pennsylvania Threatened* (§ 45.13)—A classification of plant species that may become endangered throughout most or all of their natural range in this Commonwealth, if critical habitat is not maintained to prevent their further decline, or if the species is greatly exploited by man.

*Pennsylvania Rare* (§ 45.14)—A classification of plant species that are uncommon in this Commonwealth because they have low population numbers, or are only found in restricted geographic areas.

*Pennsylvania Vulnerable* (§ 45.15)—A classification of plant species that are in danger of population decline in this Commonwealth because of their beauty, economic value, use as a cultivar or other factors which indicate that persons may seek to remove these species from their native habitats.

*Special Concern Population* (§ 45.20)—A classification of plant species that the Department has determined to be a unique occurrence deserving protection. Among the factors used to classify a plant species as a Special Concern Population are the existence of unusual geographic locations, unisexual populations or extraordinarily diverse plant populations.

*Tentatively Undetermined* (§ 45.21)—A classification of plant species that are in danger of population decline, but do not meet the criteria for any other classification due to taxonomic uncertainties, limited historical records or insufficient data.

#### *Updating species nomenclature*

This final-form rulemaking updates the scientific and common names of certain native wild plant species to conform to the Department’s taxonomic source material. The Department’s reference source for the nomenclature used to identify species taxonomy in Chapter 45 is *The Plants of Pennsylvania*. When the species name is not found there, the reference source will be provided in parentheses. Additionally, this final-form rulemaking corrects minor grammatical errors and misspellings of species names.

#### *Pennsylvania Natural Diversity Inventory*

The amendments will be incorporated into the Pennsylvania Natural Diversity Inventory (PNDI). PNDI is a database that maintains the Department’s list of native wild plant classifications, as well as native rare wildlife classifications from the Game Commission, the Fish and Boat Commission and the United States Fish and Wildlife Service. PNDI provides the most current, reliable and objective scientific information about ecological resources in this Commonwealth and it is used to help inform environmental decisions in this Commonwealth. Most notably, DEP uses PNDI to inform its environmental permitting decisions.

The overwhelming majority of PNDI users use PNDI as part of the process of obtaining a DEP permit. DEP requires permit applicants to screen their land use projects through PNDI for potential impacts to threatened or endangered species to receive a DEP permit. Threatened and endangered plant species are thereby protected by DEP’s permitting process.

Although this final-form rulemaking will result in updates to the plant data in PNDI, it will not affect DEP’s permitting process. The process of obtaining a DEP permit is beyond the scope of this final-form rulemaking; instead, PNDI’s connection to this final-form rulemaking is limited to its use of the plant data that will result from the amendments made by this final-form rulemaking. A person, business, small business or organization will not be required to invest in any additional administrative procedures as a direct result of this final-form rulemaking.

Finally, because this final-form rulemaking removes more species from classifications than it adds, there may be fewer classified plant species for prospective DEP permit applicants to account for when applying for a DEP permit. Depending on the project type, location and classified plant species in question, prospective DEP permit applicants may see no change in the amount of mitigation required to address impacts to threatened and endangered species in fulfilling permit requirements.

The proposed rulemaking was published at 52 Pa.B. 5476 (August 27, 2022). The public comment period closed on September 26, 2022. The Department received no public comments or comments from the Independent Regulatory Review Commission (IRRC). On October 26, 2022, IRRC advised the Department that IRRC has reviewed the proposed regulation and has no objections, comments or recommendations regarding the same. IRRC also advised that if the Department delivers this final-form rulemaking without revisions, and the Committees do not take any action, the final-form rulemaking will be deemed approved.

#### *Summary of this Final-form Rulemaking*

Section 45.11 (relating to Pennsylvania Extirpated) is amended to update the Pennsylvania Extirpated native

wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Extirpated native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Acalypha deamii</i> (Weath.) Ahles	Two-Seeded Copperleaf
<i>Cuscuta coryli</i> Engelm.	Hazel Dodder
<i>Cyperus retrorsus</i> Chapm.	Retrorsed Flatsedge
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Utricularia subulata</i> L.	Slender Bladderwort

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Extirpated native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine
<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry

Section 45.12 (relating to Pennsylvania Endangered) is amended to update the Pennsylvania Endangered native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Endangered native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aletris farinosa</i> L.	Colic-Root
<i>Arnoglossum reniforme</i> (Hook.) H. E. Robins.	Great Indian Plantain
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Astragalus canadensis</i> L.	Canadian Milk-Vetch
<i>Bidens bidentoides</i> (Nutt.) Britton	Swamp Beggar-Ticks
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge
<i>Carex roanensis</i> F. J. Herm (Source: Flora of the Southeastern United States, Weakley 2020)	Roan Mountain Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Sterile Sedge
<i>Corallorhiza wisteriana</i> Conrad	Spring Coral-Root

<i>Scientific Name</i>	<i>Common Name</i>
<i>Cypripedium reginae</i> Walter	Showy Lady's-Slipper
<i>Fraxinus quadrangulata</i> Michx. (Source: Flora of the Southeastern United States, Weakley 2020)	Blue Ash
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop
<i>Hierochloa hirta</i> (Schrank) Borbás (Source: Flora of the Southeastern United States, Weakley 2020)	Common Northern Sweet Grass
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
<i>Lysimachia hybrida</i> Michx.	Lance-Leaved Loosestrife
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Marshallia pulchra</i> W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of the Southeastern United States, Weakley 2020)	Beautiful Barbara's Buttons
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow
<i>Spiraea corymbosa</i> Rafinesque (Source: Flora of the Southeastern United States, Weakley 2020)	Dwarf Spiraea
<i>Trifolium stoloniferum</i> Eaton (Source: Flora of the Southeastern United States, Weakley 2020)	Running Buffalo Clover
<i>Viola glaberrima</i> (Ging.) House (Source: Flora of the Southeastern United States, Weakley 2020)	Wedge-Leaved Violet

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Endangered native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex collinsii</i> Nutt.	Collins' Sedge
<i>Carex gravida</i> Bailey	Heavy Sedge
<i>Cyperus acuminatus</i> Torr. & Hook.	Short-Pointed Flatsedge
<i>Cyperus retrorsus</i> Chapm.	Retrorsed Flatsedge
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil
<i>Diarrhena obovata</i> ( Gleason) Brandenburg	Obovate Beakgrass
<i>Glyceria borealis</i> (Nash)	Small-Floating Mannagrass
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Juncus longii</i> Fern.	Long's Rush



<i>Scientific Name</i>	<i>Common Name</i>
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-flowered Marshallia
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue
<i>Vitis novae-angliae</i> Fernald	New England Grape

Section 45.13 (relating to Pennsylvania Threatened) is amended to update the Pennsylvania Threatened native wild plants classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Threatened native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Ageratina aromatica</i> (L.) Spach	Small White-Snakeroot
<i>Arabis patens</i> Sull.	Spreading Rockcress
<i>Asclepias verticillata</i> L.	Whorled Milkweed
<i>Bromus kalmii</i> A. Gray	Kalm's Brome
<i>Carex collinsii</i> Nutt.	Collins' Sedge
<i>Carex longii</i> Mack.	Long's Sedge
<i>Castilleja coccinea</i> (L.) Spreng.	Eastern Paintbrush
<i>Galium latifolium</i> Michx.	Purple Bedstraw
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed-Orchid
<i>Ranunculus ambigens</i> S. Watson	Water-Plantain Spearwort
<i>Solidago roanensis</i> Porter	Mountain Goldenrod
<i>Stellaria borealis</i> Bigelow	Northern Stitchwort
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Threatened native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Actaea podocarpa</i> DC	American Bugbane
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Bidens bidentoides</i> (Nutt.) Britt.	Swamp Beggar-Ticks
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Atlantic Sedge
<i>Cypripedium reginae</i> Walter	Showy Lady's-Slipper
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow
<i>Spiraea betulifolia</i> Pallas var. <i>corymbosa</i> (Raf.) Maxim.	Dwarf Spiraea

Section 45.14 (relating to Pennsylvania Rare) is amended to update the Pennsylvania Rare native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are added to the Pennsylvania Rare native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Actaea podocarpa</i> DC	Mountain Bugbane
<i>Andropogon gyrans</i> Ashe	Elliott's Beardgrass
<i>Asplenium pinnatifidum</i> Nutt.	Lobed Spleenwort
<i>Bartonia paniculata</i> ssp. <i>paniculata</i> (Michx.) Muhl.	Screw-Stem
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Erythronium albidum</i> Nutt.	White Trout-Lily
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush
<i>Lorinseria areolata</i> (Linnaeus) C. Presl. (Source: Flora of the Southeastern United States, Weakley 2020)	Netted Chain Fern

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Rare native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot
<i>Baccharis halimifolia</i> L.	Eastern Baccharis
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush
<i>Solidago roanensis</i> Porter	Tennessee Golden-Rod
<i>Tipularia discolor</i> (Pursh) Nutt.	Cranefly Orchid

Section 45.21 (relating to Pennsylvania Tentatively Undetermined) is amended to update the Pennsylvania Tentatively Undetermined native wild plant species classification list, including scientific and common names, as follows.

The following Pennsylvania native wild plant species are deleted from the Pennsylvania Tentatively Undetermined native wild plant species classification list:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aletris farinosa</i> L.	Colic-Root
<i>Ambrosia psilostachya</i> DC.	Naked-Spiked Ambrosia
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex longii</i> Mack.	Long's Sedge
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge
<i>Carex mesochorea</i> Mack.	Midland Sedge
<i>Castilleja coccinea</i> (L.) Spreng.	Scarlet Indian Paintbrush
<i>Corallorrhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Cuscuta corylii</i> Engelm.	Hazel Dodder
<i>Cyperus odoratus</i> L.	Rusty Flatsedge
<i>Elatine minima</i> (Nutt.) Fisch. & C. A. Mey	Small Waterwort
<i>Elymus virginicus</i> L. var. <i>submuticus</i> Hook.	Wild Rye
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Oxydendrum arboreum</i> (L.) DC.	Sourwood

<i>Scientific Name</i>	<i>Common Name</i>
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed Orchid
<i>Rorippa palustris</i> (L.) Besser var. <i>palustris</i> (Gleason, H. A. and Cronquist, A., <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Yellow Cress
<i>Salix petiolaris</i> Sm.	Meadow Willow
<i>Salvia reflexa</i> Hornem.	Lance-Leaved Sage
<i>Viola tripartita</i> Elliott	Three-parted Violet

Summaries of the changes to the lists of classified plants, including very brief descriptions and reasons for the changes, follow. Additional detailed information on reasons for the changes can be found in the Department's Native Wild Plant Species Accounts (2022) on the Department's Rare, Threatened and Endangered Plants web site (click on "2022 Plant Species Accounts" or copy and paste the following URL: <http://elibrary.dcnr.pa.gov/GetDocument?docId=3709763&DocName=Native%20Wild%20Plant%20Species%20Accounts%202021.pdf>).

*Newly Classified Plant Species*

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Acalypha deamii</i> (Weath.) Ahles	Two-Seeded Copperleaf	N	PX	moist woods or riparian woods; flowers and fruits late summer—fall	only one population was known and not observed since 1900s (0 populations)
<i>Ageratina aromatica</i> (L.) Spach	Small-Leaved White-Snakeroot	N	PT	dry wood, poor soils, sandy open areas, serpentine soils; blooms August—October	population decline, specialized habitat (7 populations)
<i>Andropogon gyrans</i> Ashe	Elliott's Beardgrass	N	PR	dry or moist fields, open woods; blooms September—October	limited, geographic distribution, threats to existing populations (32 populations)
<i>Arabis patens</i> Sull.	Spreading Rockcress	N	PT	moist, rocky woods; flowers April—July	globally vulnerable, population declines, sensitive habitat (10 populations)
<i>Arnoglossum reniforme</i> (Hook.) H. E. Robins.	Great Indian Plantain	N	PE	wet woods and floodplains, seepage woodlands; flowers June—September	population decline, extreme rarity (1 population)
<i>Asclepias verticillata</i> L.	Whorled Milkweed	N	PT	dry rocky, sandy soils or barrens; flowers July—August	population declines, sensitive and limited habitat (10 populations)
<i>Asplenium pinnatifidum</i> Nutt.	Lobed Spleenwort	N	PR	crevices of dry, lightly shaded cliffs of non-calcareous rocks	population declines, habitat fragmentation (27 populations)



<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Astragalus canadensis</i> L.	Canadian Milk-vetch	N	PE	limestone soils and open rocky or shale-rich areas and barrens; flowers late June—early August	population declines, invasive species; limestone habitats tend to be at risk (7 populations)
<i>Bartonia paniculata</i> ssp. <i>paniculata</i> (Michx.) Muhl.	Screw-Stem	N	PR	bogs and edges of peaty wetlands; flowers August—October	small number of individuals in populations, limited to boggy open wetlands; but tolerates some disturbed habitat (63 populations)
<i>Bromus kalmii</i> A. Gray	Kalm's Brome	N	PT	rocky wooded slopes and dry to moist, woods; flowers June—July	population decline; succession, invasive plants and habitat loss (12 populations)
<i>Carex roanensis</i> F. J. Herm (Source: Flora of the Southeastern United States, Weakley 2020)	Roan Mountain Sedge	N	PE	rich, moist woods, often dominated by beech trees; fruits in early summer	globally-rare species, very few and small populations, recently found in Pennsylvania (4 populations)
<i>Erythronium albidum</i> Nutt.	White Trout-Lily	N	PR	rich wooded slopes and floodplains on calcareous soil; flowers late April	population declines, small population sizes, geographically limited; threatened by invasive plants and habitat loss (48 populations)
<i>Fraxinus quadrangulata</i> Michx. (Source: Flora of the Southeastern United States, Weakley 2020)	Blue Ash	N	PE	moist to dry calcareous woodlands and forests	extreme rarity; threatened by forest pest emerald ash borer (1 population)
<i>Galium latifolium</i> Michx.	Purple Bedstraw	N	PT	woods, rocky slopes and roadsides; flowers June—July	populations have few individuals making it more vulnerable to disturbance (23 populations)
<i>Hierochloa hirta</i> (Schrank) Borbás (Source: Flora of the Southeastern United States, Weakley 2020)	Common Northern Sweet Grass	N	PE	fens, wet meadows, pastures and marsh edges; flowers April—August	extreme rarity, habitat threatened by invasive species, and fen and wetland impacts (4 populations)
<i>Lorinseria areolata</i> (Linnaeus) C. Presl. (Source: Flora of the Southeastern United States, Weakley 2020)	Netted Chain Fern	N	PR	moist or wet woods and acidic bogs	found in low numbers in Pennsylvania, in a restricted geographic distribution, limited by habitat (37 populations)
<i>Lysimachia hybrida</i> Michx.	Lance-Leaved Loosestrife	N	PE	swamps, wet meadows, fens and pond margins; flowers June—August	small populations, habitat loss and impacts to temporary ponds (5 populations)
<i>Marshallia pulchra</i> W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of the Southeastern United States, Weakley 2020)	Beautiful Barbara's Buttons	N	PE	high-energy river scour habitat; flowers mid-June—mid-July	all populations of <i>Marshallia grandiflora</i> were redetermined to be <i>Marshallia pulchra</i> , extremely limited habitat (16 populations)

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Ranunculus ambigens</i> S. Watson	Water-Plantain Spearwort	N	PT	low wet ground, swamps, and muddy ditches; flowers May through August	population declines, small populations; threatened by deer pressure, changes in hydrology and invasive plants (10 populations)
<i>Spiraea corymbosa</i> Rafinesque (Source: Flora of the Southeastern United States, Weakley 2020)	Dwarf Spiraea	N	PE	rocky, wooded slopes; flowers June	population decline due to loss of habitat; name change from <i>Spiraea</i> <i>betulifolia</i> Pallas var. <i>corymbosa</i> (Raf.) Maxim. to <i>Spiraea</i> <i>corymbosa</i> Raf. (4 populations)
<i>Stellaria borealis</i> Bigelow	Northern Stitchwort	N	PT	slopes with springs, sphagnous swamps and stream banks; flowers May—August	population decline due to habitat loss, contracting habitat range (20 populations)
<i>Trifolium stoloniferum</i> Eaton (Source: Flora of the Southeastern United States, Weakley 2020)	Running Buffalo Clover	N	PE	dry upland woodlands and prairies in southwest Pennsylvania; flowers	Federally-listed species recently discovered in Pennsylvania, very few populations and globally rare plant (5 populations)
<i>Utricularia subulata</i> L.	Slender Bladderwort	N	PX	open wet, mucky or sandy soil; flowers June—August	known only from one herbarium specimen from 1900s, but surveys have not relocated it (0 populations)
<i>Viola glaberrima</i> (Gingins) H. House (Source: Flora of the Southeastern United States, Weakley 2020)	Wedge-Leaved Violet	N	PE	rich, moist forests on lower slopes and bottomlands; flowers late April—May	extremely rare; populations of <i>Viola</i> <i>glaberrima</i> were previously attributed to <i>Viola tripartita</i> (2 populations)

Key: N: Currently Unclassified; PX: § 45.11 Pennsylvania Extirpated; PE: § 45.12 Pennsylvania Endangered; PT: § 45.13 Pennsylvania Threatened; PR: § 45.14 Pennsylvania Rare; PV: § 45.15 Pennsylvania Vulnerable; TU: § 45.21 Tentatively Undetermined

*Currently Classified Plants Reclassified*

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Actaea podocarpa</i> DC	Mountain Bugbane	PT	PR	rich, wet woody slopes and coves; flowers in August	more populations than previously thought, but still uncommon and geographically limited (50 populations)
<i>Aletris farinosa</i> L.	Colic-Root	TU	PE	moist clearings in southeastern Pennsylvania; flowers May—July	multiple threats to habitat, population decline, very few sites remaining with small population sizes (3 populations)
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort	PT	PE	crevices of dry, shaded acidic rock outcrops	population declines, habitat loss or degradation (6 populations)
<i>Bidens bidentoides</i> (Nutt.) Britton	Swamp Beggar-Ticks	PT	PE	muddy tidal areas; flowers September—October	globally uncommon, limited to special habitat, population decline (9 populations)

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth	PT	PE	moist woods; flowers April—May	extremely rare, habitat subject to conversion and invasive species (4 populations)
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge	TU	PR	calcareous wet areas including grasslands, meadows, swales, and wet woods; fruits in summer	relatively few populations and found in a restricted geographic range, habitat fragmentation (22 populations)
<i>Carex collinsii</i> Nutt.	Collins' Sedge	PE	PT	acidic swamps and boggy woods; fruits in summer	more populations than previously thought, but still limited by habitat availability (18 populations)
<i>Carex longii</i> Mack.	Long's Sedge	TU	PT	wet, sandy soils in swamps, thickets and meadows; fruits in summer	population declines, invasion, herbivory, habitat loss (15 populations)
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge	TU	PE	vernal pools and other wet areas on calcareous substrates; fruits in summer	population declines, invasive plants, succession, impact to wetlands (11 populations)
<i>Carex paupercula</i> Michx.	Bog Sedge	PT	PR	sphagnum bogs and boggy woods; fruits in summer	more populations than previously thought but still restricted by geographic range (45 populations)
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge	PT	PE	calcareous marshes and stream banks; fruits in summer	globally-uncommon species, very few populations, range constricted, specialized habitat (6 populations)
<i>Carex sterilis</i> Willd.	Sterile Sedge	PT	PE	calcareous swamps and fens; fruits in summer	steep population decline, small population sizes. Changing common name from Atlantic Sedge to Sterile Sedge (8 populations)
<i>Castilleja coccinea</i> (L.) Spreng.	Eastern Paintbrush	TU	PT	parasitic on the roots of other plants; moist meadows, on limestone and diabase; flowers April—June	population declines, limited by limestone or diabase soils (15 populations)
<i>Corallorhiza wisteriana</i> Conrad	Spring Coral-Root	TU	PE	rocky, wooded slopes on limestone and diabase; flowers April—June	population decline, small population sizes, orchid species vulnerable to collection (5 populations)
<i>Cuscuta coryli</i> Engelm.	Hazel Dodder	TU	PX	dry rocky woods, clearings and hillsides where it is parasitic on various shrubs and herbs; flowers June—September, fruits July—October	last observed in 1950s, field surveys failed to relocate. Also correcting minor spelling mistake (changing to "coryli") (0 populations)
<i>Cyperus retrorsus</i> Chapm.	Retrorse Flatsedge	PE	PX	dry, open, sandy areas and ballast; flowers and fruits mid-summer to early fall	not observed in 50 years after surveys; habitat destroyed (0 populations)

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Cypripedium reginae</i> Walter	Showy Lady's-Slipper	PT	PE	fens and swamps; flowers May—June	population decline; threatened by impacts to wetland habitat, deer herbivory and poaching (7 populations)
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry	PT	PE	well-drained open woods; flowers May, fruits August	globally-rare, slow growing and low germination rates, extreme rarity (3 populations)
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop	TU	PE	moist or wet soils along streams or ponds; flowers July—August	population declines, extreme rarity (3 populations)
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass	PE	PX	serpentine barrens; flowers July—early October	one historic location was known, now destroyed, not observed elsewhere (0 populations)
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort	PX	PE	muddy, wet areas; flowers July—September	globally uncommon species; thought to be extirpated but rediscovered (1 population)
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush	TU	PR	moist, open woods, boggy fields, gravel pits and ditches; flowers and fruits in summer	uncommon, with geographic limitations; populations have small numbers of individuals that are more vulnerable to disturbance (39 populations)
<i>Lythrum alatum</i> Pursh	Winged Loosestrife	TU	PE	swamps, wet meadows, marshy shores, and ditches; flowers early July—September	severe population declines, wetland habitat is threatened by degradation and invasive plants, extremely rare (1 population)
<i>Passiflora lutea</i> L.	Passion-Flower	PE	PT	moist stream bank thickets; flowers July	more populations recently observed, still uncommon Statewide and small populations (20 populations)
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed-Orchid	TU	PT	bogs, moist meadows and woods; flowers July—August	population declines, small variable populations; requires wetland soil but can tolerate some disturbance (32 populations)
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow	PT	PE	wet meadows and fens on calcareous soils	extreme rarity; limited by habitat, population decline (2 populations)
<i>Solidago roanensis</i> Porter	Mountain Goldenrod	PR	PT	rocky banks, roadsides, woods and edges; flowers August—September	population decline, range constricted (10 populations)



<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue	PE	PT	rich, rocky woods, thickets and moist alluvium; blooms late May—June	more populations discovered, but still uncommon, limited by habitat availability (21 populations)

Key: PX: § 45.11 Pennsylvania Extirpated; PE: § 45.12 Pennsylvania Endangered; PT: § 45.13 Pennsylvania Threatened; PR: § 45.14 Pennsylvania Rare; PV: § 45.15 Pennsylvania Vulnerable; TU: § 45.21 Tentatively Undetermined

*Classified Plant Species Declassified*

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern	TU	DC	rich, deciduous woodland; incorrectly thought to inhabit serpentine barrens	not found in Pennsylvania (0 populations)
<i>Ambrosia psilostachya</i> DC.	Naked-Spiked Ambrosia	TU	DC	sandy shores or meadows; blooms August—October	not native to Pennsylvania
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot	PR	DC	moist, rich, wooded slopes and bottomlands; blooms May—August	more common than previously thought, may not be limited by habitat (at least 64 populations)
<i>Baccharis halimifolia</i> L.	Eastern Baccharis	PR	DC	native open sandy areas, marshes and beaches but adventive along roadsides where de-icing salt is used; flowers August—October	expanding habitat, utilizes roadsides influenced by de-icing salts, highly mobile species (abundant)
<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge	PX	DC	wet soils and meadows, streambanks and openings in streamside woods, particularly on calcareous soils; fruits in July	not found in Pennsylvania (0 populations)
<i>Carex gravida</i> Bailey	Heavy Sedge	PE	DC	prairies and other open areas usually on calcareous soils; fruits in summer	not found in Pennsylvania (0 populations)
<i>Carex mesochorea</i> Mack.	Midland Sedge	TU	DC	dry, open woods, fields, and roadsides; fruits in summer	more populations of this species have been found; common and not a conservation concern (abundant)
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary	PR	DC	woods and scrubby areas near streams; flowers late April—May	more populations than thought, large numbers of individuals in populations; secure and not a conservation concern (at least 50 populations)
<i>Cyperus acuminatus</i> Torr. & Hook.	Short-Pointed Flatsedge	PE	DC	wet, sandy, disturbed ground; flowers and fruits mid-summer to early fall	not native to Pennsylvania

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Cyperus odoratus</i> L.	Rusty Flatsedge	TU	DC	moist meadows, wet sandy or gravelly flats, and riverbanks; flowers and fruits mid-summer to early fall	grows in disturbed habitat, expanding its range; more common than previously thought and not a conservation concern (abundant)
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil	PE	DC	dry sandy woods; flowers August—September	hybrid of two common species, not a conservation concern
<i>Diarrhena obovata</i> ( Gleason) Brandenburg	Obovate Beakgrain	PE	DC	rich woods	more common than previously thought with large populations, expanding range, not limited by habitat (abundant)
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass	PT	DC	sandy, moist soils; flowers July—early October	able to use disturbed areas, not limited by habitat, not in decline (abundant)
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass	PX	DC	waste grounds and ballast; flowers August—October	not native to Pennsylvania
<i>Elatine minima</i> (Nutt.) Fisch. & C. A. Mey	Small Waterwort	TU	DC	shorelines of ponds, lakes and impoundments; flowers July—August	more frequent and widespread than had previously been thought; not limited by habitat (abundant)
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush	PR	DC	bogs and wetlands with sandy-peaty soil; flower/fruits mid to late summer	more widespread and frequent than previously thought (at least 40 populations)
<i>Elymus virginicus</i> L. var. <i>submuticus</i> Hook.	Wild Rye	TU	DC	moist soils of open forests, thickets, grasslands, ditches, and disturbed ground; flowers June—August	not native to Pennsylvania
<i>Glyceria borealis</i> (Nash) Batch.	Small-Floating Mannagrass	PE	DC	shallow lakes and streams; flowers in July	more common than previously thought, not limited by habitat quality (at least 19 populations)
<i>Juncus longii</i> Fern.	Long's Rush	PE	DC	habitat attributed to this species was early successional seepages with exposed soils, but not found in Pennsylvania	not found in Pennsylvania; specimens of this species found to be another species (0 populations)
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-Flowered Marshallia	PE	DC	habitat uncertain but possibly borders of swamps; flowers June—August in North Carolina	not found in Pennsylvania; all populations of <i>Marshallia grandiflora</i> were redetermined to be <i>Marshallia pulchra</i> (0 populations)
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine	PX	DC	habitat previously attributed to this species was moist woods, thickets, river banks, ditches and fence rows; flowers June and July	not native and does not occur in Pennsylvania (0 populations)

<i>Scientific Name</i>	<i>Common Name</i>	<i>Previous Status</i>	<i>New Status</i>	<i>Habitat/Identification</i>	<i>Reason for Change</i>
<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry	PX	DC	habitat previously attributed to this species was swamps and moist, low ground on the coastal plain; flowers April or May	does not occur in Pennsylvania (0 populations)
<i>Oxydendrum arboreum</i> (L.) DC	Sourwood	TU	DC	dry woods and along slopes; blooms in August	more common than previously thought, able to utilize disturbed habitat, expanding range (at least 31 populations)
<i>Rorippa palustris</i> (L.) Besser var. <i>palustris</i> (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Yellow Cress	TU	DC	wet shores and low open ground; flowers May—September	common and not in need of conservation (abundant)
<i>Salix petiolaris</i> Sm.	Meadow Willow	TU	DC	meadows and swales; flowers just before leaves emerge	more common than previously thought (at least 32 populations)
<i>Salvia reflexa</i> Hornem.	Lance-Leaved Sage	TU	DC	stream banks, old fields, roadsides, cinders, and quarry waste; flowers June—September	not native to Pennsylvania
<i>Spiraea betulifolia</i> Pallas var. <i>corymbosa</i> (Raf.) Maxim.	Dwarf Spiraea	PT	DC	rocky, wooded slopes; flowers June	name changed to <i>Spiraea corymbosa</i> Rafinesque
<i>Tipularia discolor</i> (Pursh) Nutt.	Crane-fly Orchid	PR	DC	deciduous forests and stream banks in southeast Pennsylvania; flowers July—August	more common than previously thought (at least 83 populations)
<i>Viola tripartita</i> Elliot	Three-Parted Violet	TU	DC	moist slopes and bottomland especially over calcareous substrate in southern Pennsylvania; flowers late March—May	not found in Pennsylvania, populations previously attributed to this species are <i>Viola glaberrima</i> (0 populations)
<i>Vitis novae-angliae</i> Fernald	New England Grape	PE	DC	in moist mountain woods, ravines and roadside thickets; flowers May; fruits August through November	found to be a sterile hybrid of two common species, and is a hybrid without conservation value (abundant)

Key: DC: Declassified; PX: § 45.11 Pennsylvania Extirpated; PE: § 45.12 Pennsylvania Endangered; PT: § 45.13 Pennsylvania Threatened; PR: § 45.14 Pennsylvania Rare; PV: § 45.15 Pennsylvania Vulnerable; TU: § 45.21 Tentatively Undetermined

*Plant Species Name Changes/Updates*

The names of the following native wild plant species are changed/updated:

*Spiraea betulifolia* Pallas var. *corymbosa* (Raf.) Maxim. is deleted from Pennsylvania Threatened (§ 45.13) classification and *Spiraea corymbosa* Rafinesque (Source: Flora of the Southeastern United States, Weakley 2020) is added to Pennsylvania Endangered (§ 45.12) classification. *Spiraea*

*corymbosa* is the accepted taxonomy for this species and the appropriate classification is Pennsylvania Endangered.

*Marshallia grandiflora* Beadle & F. E. Boynton is deleted from Pennsylvania Endangered (§ 45.12) classification and *Marshallia pulchra* W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of the Southeastern United States, Weakley 2020) is added to Pennsylvania Endangered (§ 45.12) classification. The correct name for this

species is *Marshallia pulchra* and the correct classification is Pennsylvania Endangered.

*Viola tripartita* Elliot is deleted from Tentatively Undetermined (§ 45.21) classification and *Viola glaberrima* (Ging.) House (Source: Flora of the Southeastern United States, Weakley 2020) is added to Pennsylvania Endangered (§ 45.12) classification. The correct name for these plants is *Viola glaberrima* and the correct classification is Pennsylvania Endangered.

The common name of *Carex sterilis* Willd. is changed from Atlantic Sedge to Sterile Sedge. Both names are accepted common names. However, the Department prefers Sterile Sedge, as it is a more descriptive name.

#### *Fiscal Impact*

*Commonwealth.* This final-form rulemaking will not have a fiscal impact on this Commonwealth.

*Political subdivisions.* This final-form rulemaking will not have a fiscal impact on political subdivisions.

*Public.* This final-form rulemaking will not have a fiscal impact on the public.

#### *Benefits, Costs and Compliance*

*Benefits.* This final-form rulemaking will benefit State, county and municipal conservation planning officials, environmental regulatory agencies, landowners, conservation districts, conservation groups and other organizations concerned with the welfare of the environment, because it more accurately represents the native wild plants in this Commonwealth in need of the most protection. This final-form rulemaking also benefits the citizens of this Commonwealth by protecting this Commonwealth's natural resources, which is a constitutional right. See Pa.Const. Art. I, § 27.

Keeping up-to-date classifications of native wild plants ensures that the Department and other public and private conservation organizations are targeting the appropriate species in their conservation efforts. This will help maintain a healthy biodiversity of ecological systems in this Commonwealth.

*Costs and compliance.* This final-form rulemaking will not impose additional compliance costs.

*Paperwork requirements.* There are no additional paperwork requirements associated with this final-form rulemaking.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 17, 2022, the Department submitted a copy of the proposed rulemaking, published at 52 Pa.B. 5476, to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. The Department received no public comments or comments from IRRC.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 12, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. As the Department delivered the final-form regulation without revisions, and the Committees did not take any action, the final-form regulation was deemed approved by IRRC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 13, 2023, and approved the final-form rulemaking.

#### *Effective Date*

The regulation will become effective upon final publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

For an explanation of this final-form rulemaking, contact Rebecca H. Bowen, Chief, Conservation Science and Ecological Resources Division, Bureau of Forestry, Department of Conservation and Natural Resources, P.O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-3444, rebowen@pa.gov or RA-Ch45WildPlants@pa.gov.

#### *Findings*

The Department finds that:

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

(2) At least a 30-day public comment period was provided as required by law and no public comments were submitted.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 5476.

(4) This final-form rulemaking is necessary and appropriate for the administration and enforcement of the authorizing acts identified in this preamble.

#### *Order*

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

(1) The regulations of the Department, 17 Pa. Code Chapter 45, are amended by amending §§ 45.11—45.14 and 45.21 to read as set forth in Annex A.

(2) The Department shall submit this final-form rulemaking and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality, as required by law.

(3) The Department shall submit this final-form rulemaking and Annex A to IRRC and the House and Senate Committees, as required by law.

(4) The Department shall certify this final-form rulemaking and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

CINDY ADAMS DUNN,

*Secretary*

(*Editor's Note:* See 53 Pa.B. 4068 (July 29, 2023) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 7B-10 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 17. CONSERVATION AND NATURAL RESOURCES**

#### **PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

##### **Subpart D. RESOURCE CONSERVATION**

#### **CHAPTER 45. CONSERVATION OF PENNSYLVANIA NATIVE WILD PLANTS**

##### **Subchapter B. CLASSIFIED PLANTS**

#### **§ 45.11. Pennsylvania Extirpated.**

Plant species classified as Pennsylvania Extirpated are as follows:



Scientific Name	Common Name
<i>Acalypha deamii</i> (Weath.) Ahles	Two-Seeded Copperleaf
<i>Aeschynomene virginica</i> (L.) Britton, Stearns & Poggenb.	Sensitive Joint-Vetch
<i>Agalinis decemloba</i> (Greene) Pennell	Blue Ridge False Foxglove
<i>Agrostis altissima</i> (Walter) Tuck.	Tall Bentgrass
<i>Arctostaphylos uva-ursi</i> (L.) Spreng.	Bearberry Manzanita
<i>Asclepias rubra</i> L.	Red Milkweed
<i>Astragalus neglectus</i> (Torr. & A. Gray) Sheldon	Cooper's Milk-Vetch
<i>Berberis canadensis</i> P. Mill.	American Barberry
<i>Buchnera americana</i> L.	Bluehearts
<i>Carex adusta</i> Boott	Crowded Sedge
<i>Carex backii</i> Boott	Rocky Mountain Sedge
<i>Carex barrattii</i> Schwein. & Torr.	Barratt's Sedge
<i>Carex chordorrhiza</i> L.f.	Creeping Sedge
<i>Carex foenea</i> Willd.	Fernald's Hay Sedge
<i>Carex hyalinolepis</i> Steud.	Shoreline Sedge
<i>Carex nigra</i> (L.) Reichard	Black Sedge
<i>Carex sartwellii</i> Dewey	Sartwell's Sedge
<i>Chamaecyparis thyoides</i> (L.) Britton, Stearns & Poggenb.	Atlantic White-Cedar
<i>Commelina erecta</i> L.	Slender Dayflower
<i>Commelina virginica</i> L.	Virginia Dayflower
<i>Coreopsis rosea</i> Nutt.	Pink Tickseed
<i>Crassula aquatica</i> (L.) Schönland	Water-Pigmyweed
<i>Crotonopsis elliptica</i> Willd.	Elliptical Rushfoil
<i>Cuscuta coryli</i> Engelm.	Hazel Dodder
<i>Cynoglossum boreale</i> Fernald	Northern Hound's Tongue
<i>Cyperus polystachyos</i> Rottb.	Many-Spiked Flatsedge
<i>Cyperus retrorsus</i> Chapm.	Retorse Flatsedge
<i>Cypripedium candidum</i> Muhl. ex Willd.	Small White Lady's-Slipper
<i>Desmodium sessilifolium</i> (Torr.) Torr. and A. Gray	Sessile-Leaved Tick Trefoil
<i>Dichantherium leibergii</i> (Vasey) Freckmann	Leiberg's Panic Grass
<i>Dichantherium spretum</i> (Schult.) Freckmann	Eaton's Witchgrass
<i>Diphasiastrum sabinifolium</i> (Willd.) Holub.	Fir Clubmoss
<i>Draba reptans</i> (Lam.) Fernald	Carolina Whitlow-Grass

Scientific Name	Common Name
<i>Echinacea laevigata</i> (C. L. Boynton & Beadle) S. F. Blake	Smooth Purple Coneflower
<i>Elatine americana</i> (Pursh) Arn.	Long-Stem Waterwort
<i>Eleocharis tricostata</i> Torr.	Three-Ribbed Spike-Rush
<i>Eleocharis tuberculosa</i> (Michx.) Roem. & Schult.	Long-Tuberclad Spike-Rush
<i>Elodea schweinitzii</i> (Planch) Casp.	Schweinitz's Waterweed
<i>Eriocaulon decangulare</i> L.	Ten-Angle Pipewort
<i>Eriocaulon parkeri</i> B. L. Rob.	Parker's Pipewort
<i>Eryngium aquaticum</i> L.	Marsh Eryngo
<i>Eupatorium album</i> L. var <i>album</i>	White Thoroughwort
<i>Eupatorium leucolepis</i> (DC) Torr. & A. Gray	White-Bracted Thoroughwort
<i>Euphorbia obtusata</i> Pursh	Blunt-Leaved Spurge
<i>Fimbristylis puberula</i> (Michx.) Vahl	Hairy Fimbry
<i>Galactia regularis</i> (L.) Britton, Stearns & Poggenb.	Eastern Milk-Pea
<i>Galactia volubilis</i> (L.) Britton	Downy Milk-Pea
<i>Gentiana catesbaei</i> Walter	Elliott's Gentian
<i>Gentianopsis virgata</i> (Raf.) Holub	Narrow-Leaved Fringed Gentian
<i>Gymnopogon ambiguus</i> (Michx.) Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Helianthus angustifolius</i> L.	Swamp Sunflower
<i>Hordeum pusillum</i> Nutt. Á Löve	Little-Barley
<i>Hottonia inflata</i> Elliott	American Featherfoil
<i>Hydrocotyle umbellata</i> L.	Many-Flowered Pennywort
<i>Hypericum adpressum</i> Raf. ex Barton	Creeping St. John's-Wort
<i>Hypericum crux-andreae</i> (L.) Crantz	St. Peter's-Wort
<i>Hypericum denticulatum</i> Walter	Coppery St. John's-Wort
<i>Ilex glabra</i> (L.) A. Gray	Inkberry
<i>Itea virginica</i> L.	Virginia-Willow
<i>Juncus greenei</i> Oakes & Tuck.	Greene's Rush
<i>Koeleria macrantha</i> (Ledeb.) Schultes	Junegrass
<i>Leiophyllum buxifolium</i> (Berg.) Elliott	Sand-Myrtle
<i>Lespedeza stuevei</i> Nutt.	Tall Bush-Clover
<i>Limosella australis</i> R. Br.	Awl-Shaped Mudwort
<i>Lobelia nuttallii</i> Roem. & Schult.	Nuttall's Lobelia

Scientific Name	Common Name
<i>Ludwigia sphaerocarpa</i> Elliott	Spherical-Fruited Seedbox
<i>Lysimachia quadriflora</i> Sims	Four-Flowered Loosestrife
<i>Micranthemum micranthemoides</i> (Nutt.) Wettst.	Nuttall's Mud-Flower
<i>Muhlenbergia capillaris</i> (Lam.) Trin.	Short Muhly
<i>Onosmodium virginianum</i> (L.) A. DC.	Virginia False Gromwell
<i>Ophioglossum vulgatum</i> L. var. <i>pyncostichum</i> Fernald	Adders Tongue
<i>Phoradendron leucarpum</i> (Raf.) Reveal & M. C. Johnst.	Christmas Mistletoe
<i>Phyllanthus caroliniensis</i> Walt.	Carolina Leaf-Flower
<i>Platanthera cristata</i> (Michx.) Lindl.	Crested Yellow Orchid
<i>Platanthera leucophaea</i> (Nutt.) Lindl.	Prairie White-Fringed Orchid
<i>Polygala lutea</i> L.	Yellow Milkwort
<i>Populus heterophylla</i> L.	Swamp Cottonwood
<i>Potamogeton alpinus</i> Balbis	Northern Pondweed
<i>Potamogeton praelongus</i> Wulfen	White-Stem Pondweed
<i>Prenanthes racemosa</i> Michx.	Glaucous Rattlesnake-Root
<i>Proserpinaca pectinata</i> Lam.	Comb-Leaved Mermaid-Weed
<i>Ranunculus hederaceus</i> L.	Long-Stalked Crowfoot
<i>Rhododendron calendulaceum</i> (Michx.) Torr.	Flame Azalea
<i>Rhynchospora fusca</i> (L.) Aiton f.	Brown Beak-Rush
<i>Rhynchospora gracilentia</i> A. Gray	Beak-Rush
<i>Ruellia caroliniensis</i> (Walter ex J. F. Gmel.) Steud.	Carolina Petunia
<i>Sabatia campanulata</i> (L.) Torr.	Slender Marsh-Pink
<i>Sabatia stellaris</i> Pursh	Sea Pink
<i>Saccharum giganteum</i> (Walter) Pers.	Sugarcane-Plumegrass
<i>Sagittaria filiformis</i> J. G. Sm.	Water Arrow-Head
<i>Schoenoplectus heterochaetus</i> Chase (Sojak)	Slender Bulrush
<i>Scutellaria serrata</i> Andr.	Showy Skullcap
<i>Sisyrinchium fuscatum</i> E. P. Bicknell	Sand Blue-Eyed Grass

Scientific Name	Common Name
<i>Smilax pseudochina</i> L.	Long-Stalked Greenbrier
<i>Sparganium natans</i> L.	Small Bur-Reed
<i>Spiraea virginiana</i> Britton	Virginia Spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Ladies'-Tresses
<i>Trifolium reflexum</i> L.	Buffalo Clover
<i>Triglochin palustris</i> L.	Marsh Arrowgrass
<i>Utricularia fibrosa</i> Walt.	Fibrous Bladderwort
<i>Utricularia resupinata</i> B. D. Greene ex Bigelow	Northeastern Bladderwort
<i>Utricularia subulata</i> L.	Slender Bladderwort

#### § 45.12. Pennsylvania Endangered.

Plant species classified as Pennsylvania Endangered are as follows:

Scientific Name	Common Name
<i>Aconitum reclinatum</i> A. Gray	White Monkshood
<i>Acorus americanus</i> (Raf.) Raf.	Sweet Flag
<i>Agalinis auriculata</i> (Michx.) S. F. Blake	Eared False Foxglove
<i>Agalinis paupercula</i> (A. Gray) Britton	Small-Flowered False Foxglove
<i>Aletris farinosa</i> L.	Colic-Root
<i>Alisma triviale</i> Pursh	Broad-Leaved Water-Plantain
<i>Alnus viridis</i> (Vill.) DC	Mountain Alder
<i>Amelanchier bartramiana</i> (Tausch) M. Roem.	Oblong-Fruited Serviceberry
<i>Ammania coccinea</i> Rottb.	Scarlet Ammannia
<i>Anemone cylindrica</i> A. Gray	Long-Headed Anemone
<i>Arabis missouriensis</i> Greene	Missouri Rockcress
<i>Arethusa bulbosa</i> L.	Dragon's-Mouth
<i>Arnica acaulis</i> (Walter) Britton, Stearns & Poggenb.	Leopard's-Bane
<i>Arnoglossum reniforme</i> (Hook.) H. E. Robins.	Great Indian Plantain
<i>Artemisia campestris</i> L. ssp. <i>caudata</i> (Michx.) Hall & Clements.	Beach Wormwood
<i>Asclepias variegata</i> L.	White Milkweed
<i>Asplenium bradleyi</i> D. C. Eaton	Bradley's Spleenwort
<i>Asplenium resiliens</i> Kunze	Black-Stemmed Spleenwort
<i>Astragalus canadensis</i> L.	Canadian Milk-vetch
<i>Bidens beckii</i> (Torr. ex Spreng.) Greene	Beck's Water-Marigold
<i>Bidens bidentoides</i> (Nutt.) Britton	Swamp Beggar-Ticks

Scientific Name	Common Name
<i>Boltonia asteroides</i> (L.) L'Hér.	Aster-Like Boltonia
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Cardamine pratensis</i> L. var. <i>palustris</i> Wimm. & Grab. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition)	Cuckooflower
<i>Carex atherodes</i> Spreng.	Awned Sedge
<i>Carex aurea</i> Nutt.	Golden-Fruited Sedge
<i>Carex bebbii</i> (Bailey) Fern.	Bebb's Sedge
<i>Carex bicknellii</i> Britton	Bicknell's Sedge
<i>Carex bullata</i> Willd.	Bull Sedge
<i>Carex careyana</i> Dewey	Carey's Sedge
<i>Carex crinita</i> Lam. var. <i>brevicrinis</i> Fernald	Short-Hair Sedge
<i>Carex eburnea</i> Boott	Ebony Sedge
<i>Carex formosa</i> Dewey	Handsome Sedge
<i>Carex garberi</i> Fernald	Elk Sedge
<i>Carex geyeri</i> Boott	Geyer's Sedge
<i>Carex lupuliformis</i> Sartwell	False Hop Sedge
<i>Carex mitchelliana</i> M. A. Curtis	Mitchell's Sedge
<i>Carex pauciflora</i> Lightf.	Few-Flowered Sedge
<i>Carex polymorpha</i> Muhl.	Variable Sedge
<i>Carex pseudocyperus</i> L.	Cyperus-Like Sedge
<i>Carex retrorsa</i> Schwein.	Backward Sedge
<i>Carex roanensis</i> F. J. Herm (Source: Flora of the Southeastern United States, Weakley 2020)	Roan Mountain Sedge
<i>Carex schweinitzii</i> Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Sterile Sedge
<i>Carex typhina</i> Michx.	Cat-Tail Sedge
<i>Carex viridula</i> Michx.	Green Sedge
<i>Cerastium velutinum</i> Raf. var. <i>villosissimum</i> (Pennell) J. K. Morton	Octoraro Creek Chickweed
<i>Chasmanthium laxum</i> (L.) H. O. Yates	Slender Wild-Oats
<i>Chenopodium foggii</i> Wahl	Fogg's Goosefoot
<i>Chrysogonum virginianum</i> L.	Green-and-Gold
<i>Cirsium horridulum</i> Michx.	Horrible Thistle
<i>Cladium mariscoides</i> (Muhl.) Torr.	Twig-Rush
<i>Clematis viorna</i> L.	Leather-Flower

Scientific Name	Common Name
<i>Clethra acuminata</i> Michx.	Mountain Pepperbush
<i>Clitoria mariana</i> L.	Butterfly Pea
<i>Coeloglossum viride</i> (L.) Hartm.	Long-Bracted Green Orchis
<i>Conioselinum chinense</i> (L.) Britton, Stearns & Poggenb.	Hemlock-Parsley
<i>Corallorhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Cryptogramma stelleri</i> (Gmel.) Prantl	Slender Rockbrake
<i>Cymophyllus fraserianus</i> (Ker Gawl.) Kartesz & Gandhi	Fraser's Sedge
<i>Cyperus diandrus</i> Torr.	Umbrella Sedge
<i>Cyperus houghtonii</i> Torr.	Houghton's Flatsedge
<i>Cyperus refractus</i> Engelm.	Reflexed Flatsedge
<i>Cypripedium parviflorum</i> Salisb. var. <i>makasin</i> (Source: Flora of North America)	Northern Small Yellow Lady's-Slipper
<i>Cypripedium parviflorum</i> Salisb. var. <i>parviflorum</i> (Source: Flora of North America)	Southern Small Yellow Lady's-Slipper
<i>Cypripedium reginae</i> Walter	Show Lady's-Slipper
<i>Delphinium exaltatum</i> Aiton	Tall Larkspur
<i>Dicentra eximia</i> (Ker Gwal.) Torr.	Wild Bleeding-Heart
<i>Dichanthelium scoparium</i> (Lam.) Gould	Velvety Panic Grass
<i>Dichanthelium xanthophysum</i> (A. Gray) Freckmann	Slender Panic Grass
<i>Dodecatheon meadia</i> L.	Shooting-Star
<i>Dryopteris campyloptera</i> (Kunze) Clarkson	Mountain Wood Fern
<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter's Barnyard-Grass
<i>Eleocharis caribaea</i> (Rottb.) S. F. Blake	Capitate Spike-Rush
<i>Eleocharis compressa</i> Sull.	Flat-Stemmed Spike-Rush
<i>Eleocharis elliptica</i> Kunth	Slender Spike-Rush
<i>Eleocharis obtusa</i> (Willd.) Schult. var. <i>peasei</i> Svenson	Wright's Spike-Rush
<i>Eleocharis parvula</i> (Roem. & Schult.) Link ex Buffon & Fingerh.	Dwarf Spike-Rush
<i>Eleocharis pauciflora</i> (Lightf.) Link var. <i>fernaldii</i> Swenson	Few-Flowered Spike-Rush
<i>Eleocharis quadrangulata</i> (Michx.) Roem. & Schult.	Four-Angled Spike-Rush

<i>Scientific Name</i>	<i>Common Name</i>
<i>Eleocharis rostellata</i> (Torr.) Torr.	Beaked Spike-Rush
<i>Eleocharis tenuis</i> (Willd.) Schult. var. <i>verrucosa</i> (Svenson) Svenson	Slender Spike-Rush
<i>Equisetum scirpoides</i> Michx. (Source: Flora of North America)	Dwarf Scouring-Rush
<i>Equisetum variegatum</i> Schleich.	Variiegated Scouring-Rush
<i>Eriophorum gracile</i> Koch ex Roth	Slender Cotton-Grass
<i>Eriophorum tenellum</i> Nutt.	Rough Cotton-Grass
<i>Euphorbia ipecacuanhae</i> L.	Wild Ipecac
<i>Euphorbia purpurea</i> (Raf.) Fernald	Glade Spurge
<i>Eurybia spectabilis</i> (Aiton) Nesom	Showy Aster
<i>Festuca paradoxa</i> Desv.	Cluster Fescue
<i>Fraxinus profunda</i> (Bush) Bush	Pumpkin Ash
<i>Fraxinus quadrangulata</i> Michx. (Source: Flora of the Southeastern United States, Weakley 2020)	Blue Ash
<i>Galium labradoricum</i> Wiegand	Bog Bedstraw
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Gaylussacia dumosa</i> (Andr.) Torr. & A. Gray	Dwarf Huckleberry
<i>Geranium bicknellii</i> Britton	Cranesbill
<i>Glyceria obtusa</i> (Muhl.) Trin.	Blunt Manna-Grass
<i>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain
<i>Gratiola aurea</i> Muhl. ex Pursh	Golden Hedge-Hyssop
<i>Helianthemum bicknellii</i> Fernald	Bicknell's Hoary Rockrose
<i>Heteranthera multiflora</i> (Griseb.) Horn.	Multi-Flowered Mud-Plantain
<i>Hieracium traillii</i> Greene	Maryland Hawkweed
<i>Hierochloa hirta</i> (Schrank) Borbás (Source: Flora of the Southeastern United States, Weakley 2020)	Common Northern Sweet Grass
<i>Hierochloa odorata</i> (L.) Beauv.	Vanilla Sweet-Grass
<i>Huperzia porophila</i> (F. E. Lloyd & Underw.) Holub	Sandstone-Loving Firmoss
<i>Hydrophyllum macrophyllum</i> Nutt.	Large-Leaved Water-Leaf
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort

<i>Scientific Name</i>	<i>Common Name</i>
<i>Iodanthus pinnatifidus</i> (Michx.) Steud.	Purple-Rocket
<i>Iris cristata</i> Sol. ex Aiton	Dwarf Crested Iris
<i>Iris prismatica</i> Pursh	Slender Blue Flag
<i>Iris verna</i> L.	Dwarf Iris
<i>Isotria medeoloides</i> (Pursh) Raf.	Small-Whorled Pogonia
<i>Juncus brachycarpus</i> Engelm.	Short-Fruited Rush
<i>Juncus dichotomus</i> Elliott	Forked Rush
<i>Juncus militaris</i> Bigelow	Bayonet Rush
<i>Juncus scirpoides</i> Lam.	Scirpus-Like Rush
<i>Lespedeza angustifolia</i> (Pursh) Elliott	Narrow-Leaved Bush-Clover
<i>Ligusticum canadense</i> (L.) Britton	Nondo Lovage
<i>Linum intercursum</i> E. P. Bicknell	Sandplain Wild Flax
<i>Linum sulcatum</i> Riddell	Grooved Yellow Flax
<i>Lipocarpa micrantha</i> (Vahl) G. C. Tucker	Common Hemicarpha
<i>Listera australis</i> Lindl.	Southern Twayblade
<i>Listera cordata</i> (L.) R. Br.	Heartleaf Twayblade
<i>Listera smallii</i> Wiegand	Kidney-Leaved Twayblade
<i>Lithospermum carolinense</i> (J. F. Gmel.) MacMill.	Hispid Gromwell
<i>Lithospermum latifolium</i> Michx.	American Gromwell
<i>Lobelia kalmii</i> L.	Brook Lobelia
<i>Lobelia puberula</i> Michx.	Downy Lobelia
<i>Lonicera oblongifolia</i> (Goldie) Hook.	Swamp Fly-Honeysuckle
<i>Lonicera villosa</i> (Michx.) Roem. & Schult.	Mountain Fly-Honeysuckle
<i>Ludwigia decurrens</i> Walter	Upright Primrose-Willow
<i>Ludwigia polycarpa</i> Short & Peter	False Loosestrife Seedbox
<i>Lycopodiella alopecuroides</i> (L.) Cranfill	Foxtail Bog Clubmoss
<i>Lycopodiella margueritae</i> J. G. Bruce, W. H. Wagner & Beitel	Marguerite's Clubmoss
<i>Lycopus rubellus</i> Moench.	Taper-Leaved Bugle-Weed
<i>Lyonia mariana</i> (L.) D. Don	Staggerbush
<i>Lysimachia hybrida</i> Michx.	Lance-Leaved Loosestrife
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
<i>Malaxis bayardii</i> Fernald	Adder's-Mouth
<i>Marshallia pulchra</i> W. M. Knapp, D. B. Poind. & Weakley (Source: Flora of Southeastern United States, Weakley 2020)	Beautiful Barbara's Buttons



Scientific Name	Common Name
<i>Matelea obliqua</i> (Jacq.) Woodson	Oblique Milkvine
<i>Mitella nuda</i> L.	Naked Bishop's-Cap
<i>Monarda punctata</i> L.	Spotted Bee-Balm
<i>Montia chamissoi</i> (Ledeb. ex Spreng.) Greene	Chamisso's Miner's-Lettuce
<i>Muhlenbergia uniflora</i> (Muhl.) Fern.	Fall Dropseed Muhly
<i>Myriophyllum farwellii</i> Morong	Farwell's Water-Milfoil
<i>Myriophyllum sibiricum</i> Komarov	Northern Water-Milfoil
<i>Myriophyllum verticillatum</i> L.	Whorled Water-Milfoil
<i>Najas marina</i> L.	Holly-Leaved Naiad
<i>Oclemena nemoralis</i> (Aiton) E. Greene	Leafy Bog Aster
<i>Onosmodium molle</i> Michx. var. <i>hispidissimum</i> (Mack.) Cronquist	False Gromwell
<i>Ophioglossum engelmannii</i> Prantl	Limestone Adder's-Tongue
<i>Packera antennariifolia</i> (Britton) W. A. Weber & Löve	Cat's-Paw Ragwort
<i>Panicum amarum</i> Elliott var. <i>amarulum</i> (A. Hitchc. & Chase) P. G. Palmer	Beachgrass
<i>Parnassia glauca</i> Raf.	Grass-of-Parnassus
<i>Paxistima canbyi</i> A. Gray	Canby's Mountain-Lover
<i>Persicaria careyi</i> (Olney) Greene	Carey's Smartweed
<i>Persicaria setacea</i> (Baldwin) Small	Swamp Smartweed
<i>Phlox ovata</i> L.	Mountain Phlox
<i>Phlox subulata</i> L. ssp. <i>brittonii</i> (Small) Wherry	Moss Pink
<i>Piptatherum pungens</i> (Torr. ex Spreng.) Dorn	Slender Mountain Ricegrass
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: Flora of North America)	Northern Green Orchid
<i>Platanthera dilatata</i> (Pursh) Lindl. ex Beck	Tall White Bog-Orchid
<i>Platanthera huronensis</i> (Nutt.) Lindl.	Huron Green Orchid
<i>Poa autumnalis</i> Muhl. ex Elliott	Autumn Bluegrass
<i>Polemonium van-bruntiae</i> Britton	Jacob's-Ladder
<i>Polygala cruciata</i> L.	Cross-Leaved Milkwort
<i>Polygala curtissii</i> A. Gray	Curtis' Milkwort
<i>Polygala incarnata</i> L.	Pink Milkwort

Scientific Name	Common Name
<i>Polystichum braunii</i> (Spenn.) Fee	Braun's Holly Fern
<i>Populus balsamifera</i> L.	Balsam Poplar
<i>Potamogeton friesii</i> Rupr.	Fries' Pondweed
<i>Potamogeton gramineus</i> L.	Grassy Pondweed
<i>Potamogeton hillii</i> Morong	Hill's Pondweed
<i>Potamogeton obtusifolius</i> Mert. & Koch	Blunt-Leaved Pondweed
<i>Potamogeton pulcher</i> Tuck.	Spotted Pondweed
<i>Potamogeton strictifolius</i> A. Benn.	Narrow-Leaved Pondweed
<i>Potamogeton tennesseensis</i> Fernald	Tennessee Pondweed
<i>Potamogeton vaseyi</i> J. W. Robbins	Vasey's Pondweed
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil
<i>Potentilla paradoxa</i> Nutt.	Bushy Cinquefoil
<i>Potentilla tridentata</i> Aiton	Three-Toothed Cinquefoil
<i>Prunus maritima</i> Marshall	Beach Plum
<i>Prunus nigra</i> Ait.	Canada Plum
<i>Ptilimnium capillaceum</i> (Michx.) Raf.	Mock Bishop-Weed
<i>Pycnanthemum torrei</i> Benth.	Torrey's Mountain-Mint
<i>Quercus falcata</i> Michx.	Southern Red Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Quercus shumardii</i> Buckley	Shumard Oak
<i>Ranunculus fascicularis</i> Muhl. ex J. M. Bigelow	Tufted Buttercup
<i>Ratibida pinnata</i> (Vent.) Barnhart	Gray-Headed Prairie Coneflower
<i>Rhamnus lanceolata</i> Pursh	Lanceolate Buckthorn
<i>Rhexia mariana</i> L.	Maryland Meadow-Beauty
<i>Rhododendron atlanticum</i> (Ashe) Rehder	Dwarf Azalea
<i>Rhynchospora capillacea</i> Torr.	Capillary Beak-Rush
<i>Ribes missouriense</i> Nutt. ex Torr. & A. Gray	Missouri Gooseberry
<i>Rubus cuneifolius</i> Pursh	Sand Blackberry
<i>Ruellia humilis</i> Nutt.	Fringed-Leaved Petunia
<i>Sagittaria calycina</i> Engelm.	Long-Lobed Arrowhead
<i>Salix candida</i> Flügge ex Willd.	Hoary Willow
<i>Scheuchzeria palustris</i> L.	Pod-Grass
<i>Schoenoplectus acutus</i> (Muhl. ex Bigel.) Löve & Löve	Hard-Stemmed Bulrush
<i>Schoenoplectus smithii</i> (A. Gray) Sojak	Smith's Bulrush

<i>Scientific Name</i>	<i>Common Name</i>
<i>Schoenoplectus torreyi</i> (Olney) Palla	Torrey's Bulrush
<i>Scirpus ancistrochaetus</i> Schuyler	Northeastern Bulrush
<i>Scleria minor</i> (Britton) Stone	Small Nut-Rush
<i>Scleria muhlenbergii</i> Steud.	Reticulated Nut-Rush
<i>Scleria verticillata</i> Muhl. ex Willd.	Whorled Nut-Rush
<i>Sedum rosea</i> (L.) Scop.	Roseroot Stonecrop
<i>Sericocarpus linifolius</i> (L.) Britton, Stearns & Poggenb.	Narrow-Leaved White-Topped Aster
<i>Shepherdia canadensis</i> (L.) Nutt.	Canada Buffalo-Berry
<i>Sida hermaphrodita</i> (L.) Rusby	Virginia Mallow
<i>Sisyrinchium atlanticum</i> E. P. Bicknell	Eastern Blue-Eyed-Grass
<i>Solidago arguta</i> Aiton var. <i>harrisii</i> (E. S. Steele) Cronquist	Harris' Goldenrod
<i>Solidago curtissii</i> Torr. & A. Gray	Curtis' Goldenrod
<i>Solidago erecta</i> Banks ex Pursh	Slender Goldenrod
<i>Solidago simplex</i> Kunth ssp. <i>randii</i> (Porter) Ringius var. <i>racemosa</i> (Greene) Ringius	Sticky Goldenrod
<i>Sorbus decora</i> (Sarg.) Schneid.	Showy Mountain-Ash
<i>Sparganium androcladum</i> (Engelm.) Morong	Branching Bur-Reed
<i>Spiraea corymbosa</i> Rafinesque (Source: Flora of the Southeastern United States, Weakley 2020)	Dwarf Spiraea
<i>Spiranthes casei</i> Catling & Cruise	Case's Ladies'-Tresses
<i>Spiranthes ovalis</i> Lindl.	October Ladies'-Tresses
<i>Spiranthes romanzoffiana</i> Cham.	Hooded Ladies'-Tresses
<i>Spiranthes vernalis</i> Engelm. & A. Gray	Spring Ladies'-Tresses
<i>Sporobolus clandestinus</i> (Biehler) A. Hitchc.	Rough Dropseed
<i>Sporobolus cryptandrus</i> (Torr.) A. Gray	Sand Dropseed
<i>Sporobolus heterolepis</i> (A. Gray) A. Gray	Prairie Dropseed
<i>Stachys nuttallii</i> Shuttlew. ex Benth.	Nuttall's Hedge-Nettle
<i>Swertia caroliniensis</i> (Walter) Kuntze	American Columbo

<i>Scientific Name</i>	<i>Common Name</i>
<i>Symphotrichum boreale</i> (Torr. & Gray) A Löve & D. Löve	Northern Bog Aster
<i>Taenidia montana</i> (Mack.) Cronquist	Mountain Pimpernel
<i>Trichostema setaceum</i> Houtt.	Narrow-Leaved Blue-Curls
<i>Trifolium stoloniferum</i> Eaton (Source: Flora of the Southeastern United States, Weakley 2020)	Running Buffalo Clover
<i>Trifolium virginicum</i> Small	Kate's-Mountain Clover
<i>Triphora trianthophora</i> (Swartz) Rydb.	Nodding Pogonia
<i>Triplasis purpurea</i> (Walter) Chapm.	Purple Sandgrass
<i>Trollius laxus</i> Salisb.	Spreading Globe-Flower
<i>Veronia glauca</i> (L.) Willd.	Tawny Ironweed
<i>Viburnum nudum</i> L.	Possum Haw Viburnum
<i>Viola brittoniana</i> Pollard	Coast Violet
<i>Viola glaberrima</i> (Ging.) House (Source: Flora of the Southeastern United States, Weakley 2020)	Wedge-Leaved Violet
<i>Vitis rupestris</i> Scheele	Sand Grape
<i>Zigadenus glaucus</i> (Nutt.) Nutt.	White Camas

#### § 45.13. Pennsylvania Threatened.

Plant species classified as Pennsylvania Threatened are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum uncinatum</i> L.	Blue Monkshood
<i>Ageratina aromatica</i> (L.) Spach	Small White-Snakeroot
<i>Ammophila breviligulata</i> Fernald	American Beachgrass
<i>Arabis patens</i> Sull.	Spreading Rockcress
<i>Arceuthobium pusillum</i> Peck	Dwarf Mistletoe
<i>Aristida purpurascens</i> Poir.	Arrow-Feather Three-Awned Grass
<i>Asclepias verticillata</i> L.	Whorled Milkweed
<i>Baptisia australis</i> (L.) R. Br.	Blue False Indigo
<i>Bouteloua curtipendula</i> (Michx.) Torr.	Tall Gramma
<i>Bromus kalmii</i> A. Gray	Kalm's Brome
<i>Carex alata</i> Torr.	Broad-Winged Sedge
<i>Carex aquatilis</i> Wahlenb.	Water Sedge
<i>Carex collinsii</i> Nutt.	Collins' Sedge
<i>Carex cryptolepis</i> Mack.	Northeastern Sedge
<i>Carex diandra</i> Schrank	Lesser Panicked Sedge
<i>Carex flava</i> L.	Yellow Sedge

Scientific Name	Common Name
<i>Carex longii</i> Mack.	Long's Sedge
<i>Carex oligosperma</i> Michx.	Few-Seeded Sedge
<i>Carex prairea</i> Dewey	Prairie Sedge
<i>Carex tetanica</i> Schkuhr	Wood's Sedge
<i>Carex wiegandii</i> Mack.	Wiegand's Sedge
<i>Castilleja coccinea</i> (L.) Spreng.	Eastern Paintbrush
<i>Chamaesyce polygonifolia</i> (L.) Small	Seaside Spurge
<i>Chrysopsis mariana</i> (L.) Elliott	Maryland Golden-Aster
<i>Dodecatheon amethystinum</i> (Fassett) Fassett	Jeweled Shooting-Star
<i>Eleocharis intermedia</i> (Muhl.) Schult.	Matted Spike-Rush
<i>Eleocharis robbinsii</i> Oakes	Robbins' Spike-Rush
<i>Ellisia nyctelea</i> L.	Ellisia
<i>Erigenia bulbosa</i> (Michx.) Nutt.	Harbinger-of-Spring
<i>Eriophorum viridicarinatum</i> (Engelm.) Fernald	Thin-Leaved Cottongrass
<i>Euthamia caroliniana</i> (L.) Greene ex Porter & Britton	Grass-Leaved Goldenrod
<i>Fimbristylis annua</i> (All.) Roem. & Schult.	Annual Fimbry
<i>Galium latifolium</i> Michx.	Purple Bedstraw
<i>Hypericum densiflorum</i> Pursh	Bushy St. John's-Wort
<i>Hypericum majus</i> (A. Gray) Britton	Canadian St. John's-Wort
<i>Ilex opaca</i> Aiton	American Holly
<i>Juncus alpinoarticulatus</i> Chaix in Vill. ssp. <i>nodulosus</i> (Wahlenb.) Hämet-Ahti.	Richardson's Rush
<i>Juncus arcticus</i> Willd. var. <i>littoralis</i> (Engelm.) Boivin.	Baltic Rush
<i>Juncus brachycephalus</i> (Engelm.) L. Buch.	Small-Headed Rush
<i>Juncus torreyi</i> Coville	Torrey's Rush
<i>Lathyrus japonicus</i> Willd.	Beach Pea
<i>Lathyrus ochroleucus</i> Hook.	Wild Pea
<i>Linnaea borealis</i> L.	Twinflower
<i>Lobelia dortmanna</i> L.	Water Lobelia
<i>Lycopodiella appressa</i> (Chapm.) Cranfill	Appressed Bog Clubmoss
<i>Magnolia tripetala</i> (L.) L.	Umbrella Magnolia
<i>Magnolia virginiana</i> L.	Sweetbay Magnolia
<i>Melica nitens</i> Nutt.	Three-Flowered Melic Grass
<i>Minuartia glabra</i> (Michx.) Mattf.	Appalachian Sandwort
<i>Myrica gale</i> L.	Sweet-gale

Scientific Name	Common Name
<i>Myriophyllum tenellum</i> Bigelow	Slender Water-Milfoil
<i>Najas gracillima</i> (A. Braun) Magnus	Bushy Naiad
<i>Nymphoides cordata</i> (Elliott) Fernald	Floating-Heart
<i>Oenothera argillicola</i> Mack.	Shale-Barren Evening-Primrose
<i>Panicum tuckermanii</i> Fernald	Tuckerman's Panic-Grass
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Phemeranthus teretifolius</i> (Pursh) Raf.	Round-Leaved Fameflower
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed Orchid
<i>Platanthera peramoena</i> (A. Gray) A. Gray	Purple Fringeless Orchid
<i>Poa paludigena</i> Fernald & Wiegand	Bog Bluegrass
<i>Potamogeton confervoides</i> Reichenb.	Tuckerman's Pondweed
<i>Potamogeton richardsonii</i> (Benn.) Rydb.	Red-Head Pondweed
<i>Ptelea trifoliata</i> L.	Hoptree
<i>Ranunculus ambigens</i> S. Watson	Water-Plantain Spearwort
<i>Ranunculus longirostris</i> Godron	Eastern White Water-Crowfoot
<i>Ribes triste</i> Pallas	Wild Red Currant
<i>Ruellia strepens</i> L.	Limestone Petunia
<i>Salix serissima</i> (Bailey) Fernald	Autumn Willow
<i>Scirpus pedicellatus</i> Fernald	Stalked Bulrush
<i>Scleria pauciflora</i> Muhl. ex Willd.	Few-Flowered Nutrush
<i>Solidago roanensis</i> Porter	Mountain Goldenrod
<i>Solidago uliginosa</i> Nutt.	Bog Goldenrod
<i>Stellaria borealis</i> Bigelow	Northern Stitchwort
<i>Streptopus amplexifolius</i> (L.) DC	Twisted-Stalk
<i>Symphyotrichum depauperatum</i> (Fernald) Nesom	Serpentine Aster
<i>Symphyotrichum novi-belgii</i> (L.) Nesom var. <i>novi-belgii</i>	New York Aster
<i>Thalictrum coriaceum</i> (Britton) Small	Thick-Leaved Meadow-Rue
<i>Utricularia intermedia</i> Hayne	Flat-Leaved Bladderwort
<i>Viola appalachensis</i> L. K. Henry	Appalachian Blue Violet
<i>Vittaria appalachiana</i> Farrar & Mickel	Appalachian Grass-Fern

## § 45.14. Pennsylvania Rare.

Plant species classified as Pennsylvania Rare are as follows:

Scientific Name	Common Name
<i>Actaea podocarpa</i> DC	Mountain Bugbane
<i>Amaranthus cannabinus</i> (L.) Sauer	Water-Hemp Ragweed
<i>Andromeda polifolia</i> L.	Bog-Rosemary
<i>Andropogon gyrans</i> Ashe	Elliott's Beardgrass
<i>Asplenium pinnatifidum</i> Nutt.	Lobed Spleenwort
<i>Bartonia paniculata</i> ssp. <i>paniculata</i> (Michx.) Muhl.	Screw-Stem
<i>Cakile edentula</i> (Bigelow) Hook.	American Sea-Rocket
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex disperma</i> Dewey	Soft-Leaved Sedge
<i>Carex lasiocarpa</i> Ehrh.	Many-Fruited Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Cyperus engelmannii</i> Steud.	Engelmann's Flatsedge
<i>Cyperus schweinitzii</i> Torr.	Schweinitz's Flatsedge
<i>Dichanthelium commonsianum</i> (Ashe) Freckmann var. <i>euchlamydeum</i> (Shinners) Pohl	Cloaked Panic Grass
<i>Epilobium strictum</i> Muhl.	Downy Willow-Herb
<i>Erythronium albidum</i> Nutt.	White Trout-Lily
<i>Gaultheria hispidula</i> (L.) Muhl. ex Bigelow	Creeping Snowberry
<i>Juncus biflorus</i> Elliott	Grass-Leaved Rush
<i>Juncus filiformis</i> L.	Thread Rush
<i>Ledum groenlandicum</i> Oeder	Common Labrador-Tea
<i>Lorinseria areolata</i> (Linnaeus) C. Presl. (Source: Flora of the Southeastern United States, Weakley 2020)	Netted Chain Fern
<i>Lupinus perennis</i> L.	Blue Lupine
<i>Lygodium palmatum</i> (Bernh.) Sw.	Hartford Fern
<i>Menziesia pilosa</i> (Michx.) Juss.	Minniebush
<i>Opuntia humifusa</i> (Raf.) Raf.	Eastern Prickly-Pear Cactus
<i>Orontium aquaticum</i> L.	Golden Club
<i>Packeria anonyma</i> (A. W. Wood) W. A. Weber & Á Löve	Appalachian Groundsel
<i>Potamogeton robbinsii</i> Oakes	Flat-Leaved Pondweed
<i>Potamogeton zosteriformis</i> Fernald	Flat-Stemmed Pondweed

Scientific Name	Common Name
<i>Potentilla anserina</i> L.	Silverweed
<i>Prunus pumila</i> L. var. <i>pumila</i>	Sand Cherry
<i>Pyrolaria pubera</i> Michx.	Buffalo-Nut
<i>Ranunculus micranthus</i> (Gray) Nutt. ex Torr. & Gray	Small-Flowered Crowfoot
<i>Rotala ramosior</i> (L.) Koehne	Toothcup
<i>Sagittaria subulata</i> (L.) L. Buch.	Subulate Arrowhead
<i>Schizachyrium scoparium</i> (Michx.) Nash var. <i>littorale</i> (Nash) Gould	Seaside Bluestem
<i>Schoenoplectus fluviatilis</i> (Torr.) Strong	River Bulrush
<i>Sedum telephioides</i> Michx.	Allegheny Stonecrop
<i>Trillium nivale</i> Riddell	Snow Trillium
<i>Wolffiella gladiata</i> (Hegelm.) Hegelm.	Bog-Mat
<i>Xyris montana</i> Ries.	Yellow Eyed Grass
<i>Zizania aquatica</i> L.	Indian Wild Rice

## § 45.21. Tentatively Undetermined.

Plant species classified as Tentatively Undetermined are as follows:

Scientific Name	Common Name
<i>Agalinis obtusifolia</i> Raf.	False-Foxglove
<i>Amelanchier humilis</i> Wiegand	Low Serviceberry
<i>Amelanchier obovalis</i> (Michx.) Ashe	Coastal Juneberry
<i>Amelanchier sanguinea</i> (Pursh) DC.	Roundleaf Juneberry
<i>Andropogon glomeratus</i> (Walter) Britton, Stearns & Poggenb.	Bushy Bluestem
<i>Antennaria solitaria</i> Rydb.	Single-Headed Pussy-Toes
<i>Arabis hirsuta</i> (L.) Scop.	Western Hairy Rock-Cress
<i>Aristida dichotoma</i> Michx. var. <i>curtissii</i> A. Gray	Poverty Grass
<i>Aristida longespica</i> Poir. var. <i>geniculata</i> (Raf.) Fernald	Long-Spike Three-Awned Grass
<i>Aristolochia macrophylla</i> Lam.	Pipevine
<i>Carex crawfordii</i> Fernald	Crawford's Sedge
<i>Carex haydenii</i> Dewey	Cloud Sedge
<i>Carex limosa</i> L.	Mud Sedge
<i>Carex meadii</i> Dewey	Mead's Sedge
<i>Chasmanthium latifolium</i> (Michx.) H. O. Yates	Wild-Oats
<i>Chenopodium capitatum</i> (L.) Asch.	Strawberry Goosefoot



Scientific Name	Common Name
<i>Crataegus brainerdii</i> Sarg.	Brainerd's Hawthorne
<i>Crataegus mollis</i> (Torr. & A. Gray) Scheele	Downy Hawthorne
<i>Cuscuta cephalanthi</i> Engelm.	Buttonbush Dodder
<i>Cuscuta polygonorum</i> Engelm.	Smartweed Dodder
<i>Cyperus tenuifolius</i> (Steud.) Dandy	Thin-Leaved Flatsedge
<i>Cystopteris laurentiana</i> (Weath.) Blasdell	Laurentian Bladder-Fern
<i>Desmodium glabellum</i> (Michx.) Kuntze	Tall Tick-Trefoil
<i>Desmodium nuttallii</i> (Schindl.) Schub.	Nuttall's Tick-Trefoil
<i>Dichantherium annulum</i> (Ashe) LeBlond	Annulus Panic Grass
<i>Dichantherium boreale</i> (Nash) Freckmann	Northern Panic Grass
<i>Dichantherium commonsianum</i> (Ashe) Freckmann	Cloaked Panic Grass
<i>Dichantherium lucidum</i> (Ashe) LeBlond	Shining Panic Grass
<i>Dichantherium villosissimum</i> (Nash) Freckmann	Long-Haired Panic Grass
<i>Dichantherium yadkinense</i> (Ashe) Mohlenbr.	Yadkin River Panic Grass
<i>Dracocephalum parviflorum</i> Nutt.	American Dragonhead
<i>Epilobium palustre</i> L.	Marsh Willow-Herb
<i>Eupatorium rotundifolium</i> L.	Round-Leaved Thoroughwort
<i>Filipendula rubra</i> (Hill) B. L. Rob.	Queen-of-the-Prairie
<i>Gentiana alba</i> Muhl. ex Nutt.	Yellow Gentian
<i>Gentiana saponaria</i> L.	Soapwort Gentian
<i>Gentiana villosa</i> L.	Striped Gentian
<i>Glyceria acutiflora</i> Torr.	Sharp-Flowered Manna-Grass
<i>Gymnocarpium appalachianum</i> K. M. Pryer & Haufler	Appalachian Oak Fern
<i>Houstonia purpurea</i> L. var. <i>purpurea</i>	Purple Bluets
<i>Hypericum drummondii</i> (Grev. & Hook) Torr. & A. Gray	Nits-and-Lice
<i>Lathyrus palustris</i> L.	Vetchling
<i>Lemna turionifera</i> Landolt	Winter Duckweed
<i>Leucothoe racemosa</i> (L.) A. Gray	Swamp Dog-Hobble
<i>Liatis scariosa</i> (L.) Willd.	Northern Blazing-Star

Scientific Name	Common Name
<i>Lonicera hirsuta</i> Eaton	Hairy Honeysuckle
<i>Luzula bulbosa</i> (A. W. Wood) Rydb.	Wood-Rush
<i>Malaxis monophyllos</i> (L.) Swartz var. <i>brachypoda</i> (A. Gray) F. Morris & E. A. Eames	White Adder's-Mouth
<i>Meehania cordata</i> (Nutt.) Britton	Heart-Leafed Meehania
<i>Muhlenbergia cuspidata</i> (Torr.) Rydb.	Sharp-Pointed Muhly
<i>Nuphar microphylla</i> (Pers.) Fernald	Small Yellow Pond-Lily
<i>Oenothera pilosella</i> Raf.	Evening-Primrose
<i>Oxypolis rigidior</i> (L.) Raf.	Stiff Cowbane
<i>Packera plattensis</i> (Nutt.) W. A. Weber & Á Löve	Prairie Ragwort
<i>Panicum flexile</i> (Gatt.) Scribn.	Wiry Witchgrass
<i>Panicum longifolium</i> Torr.	Long-Leaved Panic Grass
<i>Paronychia fastigiata</i> (Raf.) Fernald var. <i>nuttallii</i> (Small) Fernald	Whitlow Wort
<i>Parthenium intergrifolium</i> L.	American Fever-Few
<i>Paspalum floridanum</i> (Michx.) var. <i>glabratum</i> Engelm. ex Vasey	Florida Beadgrass
<i>Paspalum laeve</i> (Michx.) var. <i>pilosum</i> Scribn.	Field Beadgrass
<i>Paspalum setaceum</i> Michx.	Slender Beadgrass
<i>Phlox pilosa</i> L.	Downy Phlox
<i>Phyla lanceolata</i> (Michx.) Greene	Lance Fog-Fruit
<i>Physalis virginiana</i> Mill.	Virginia Ground-Cherry
<i>Platanthera hookeri</i> (Torr. ex Gray) Lindl.	Hooker's Orchid
<i>Pluchea odorata</i> (L.) Cass.	Shrubby Camphor-Weed
<i>Poa languida</i> A. Hitchc.	Drooping Bluegrass
<i>Podostemum ceratophyllum</i> Michx.	Riverweed
<i>Polygala polygama</i> Walter	Racemed Milkwort
<i>Polygonella articulata</i> (L.) Meisn.	Eastern Jointweed
<i>Polygonum amphibium</i> L. var. <i>stipulaceum</i> (Coleman) Fern.	Stipuled Water-Smartweed
<i>Polygonum ramosissimum</i> Michx.	Bushy Knotweed
<i>Potamogeton filiformis</i> Pers. var. <i>borealis</i> (Raf.) St. John	Slender Pondweed
<i>Potamogeton oakesianus</i> J. W. Robbins	Oakes' Pondweed

<i>Scientific Name</i>	<i>Common Name</i>
<i>Potamogeton perfoliatus</i> L.	Clasping-Stemmed Pondweed
<i>Pycnanthemum verticillatum</i> (Michx.) Pers. var. <i>pilosum</i> (Nutt.) Cooperr.	Hairy Mountain-Mint
<i>Ranunculus aquatilis</i> L. var. <i>diffusus</i> With.	White Water-Crowfoot
<i>Ranunculus flammula</i> L.	Lesser Spearwort
<i>Rhamnus alnifolia</i> L' Hér	Alder-Leaved Buckthorn
<i>Rhynchospora recognita</i> (Gale) Kral	Small Globe Beak-Rush
<i>Ribes lacustre</i> (Pers.) Poir.	Swamp Currant
<i>Rosa virginiana</i> P. Mill.	Virginia Rose
<i>Rubus setosus</i> Bigelow	Small Bristleberry
<i>Rumex hastatulus</i> Baldwin ex Elliott	Heart Sorrell
<i>Samolus parviflorus</i> Raf.	Pineland Pimpernel
<i>Saxifraga micranthidifolia</i> (Haw.) Steud.	Lettuce Saxifrage
<i>Scleria triglomerata</i> Michx.	Whip Nut-Rush
<i>Scutellaria saxatilis</i> Riddell	Rock Skullcap
<i>Senna marilandica</i> (L.) Link	Wild Senna
<i>Sisyrinchium albidum</i> Raf.	Blue-Eyed-Grass
<i>Solidago rigida</i> L.	Hard-Leaved Goldenrod
<i>Spiranthes tuberosa</i> Raf.	Slender Ladies'-Tresses
<i>Stachys hyssopifolia</i> Michx.	Hyssop Hedge-Nettle
<i>Stylosanthes biflora</i> (L.) Britton, Stearns & Poggenb.	Pencil-Flower
<i>Symphotrichum dumosum</i> (L.) Nesom	Bushy Aster
<i>Symphotrichum ericoides</i> (L.) Nesom	White Heath Aster
<i>Taxus canadensis</i> Marsh.	American Yew
<i>Trillium flexipes</i> Raf.	Declined Trillium
<i>Triosteum angustifolium</i> L.	Horse Gentian
<i>Tripsacum dactyloides</i> (L.) L.	Eastern Gammagrass
<i>Uvularia pudica</i> Michx.	Mountain Bellwort
<i>Viburnum trilobum</i> Marshall	Highbush-Cranberry
<i>Viola renifolia</i> A. Gray	Kidney-Leaved Violet
<i>Vitis cinerea</i> (Englem. in A. Gray) Englem. ex Millardet var. <i>baileyana</i> (Munson) Comeaux	Possum-Grape
<i>Wolffia borealis</i> (Engelm.) Landolt	Dotted Dotted Watermeal

[Pa.B. Doc. No. 23-1283. Filed for public inspection September 22, 2023, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 57, 63, 71, 71a AND 73 ]

#### Fishing; Propagation and Introduction of Fish into Commonwealth Waters

The Fish and Boat Commission (Commission) deletes Chapters 71 and 73. The Commission regulated the introduction and transportation of fish into this Commonwealth through Chapters 71 and 73. In addition, both chapters contained provisions concerning artificial propagation, stocking of Commission fish, prohibited species, triploid grass carp and species susceptible to viral hemorrhagic septicemia (VHS). This final-form rulemaking updates the regulations to address current conservation challenges, improve fisheries management and fish health, and simplify the chapters for consistency, flow and ease. Therefore, the addition of new provisions, such as a Notice of Stocking (NOS), retention of some existing language, and the consolidation of Chapters 71 and 73 into a single chapter accomplishes the goals set forth.

To facilitate the implementation of an NOS, fish health requirements and watercraft inspection necessities, the Commission submits this final-form rulemaking that deletes and reserves Chapters 71 and 73 and adds Chapter 71a (relating to propagation and introduction of fish into Commonwealth waters). The Commission also submits final-form rulemaking amendments for §§ 57.8a and 63.51 (relating to Class A wild trout streams; and sale of VHS-susceptible species of fish) that update the citations to align with Chapter 71a. This final-form rulemaking is set forth in Annex A.

#### A. Effective Date

Unless otherwise specified in Chapter 71a, this final-form rulemaking will go into effect January 1, 2024.

#### B. Contact Person

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. Statutory Authority

The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The deletion of Chapters 71 and 73, the addition of Chapter 71a and the amendments to §§ 57.8a and 63.51 are published under the statutory authority of section 2102(a) and (c) of the code (relating to rules and regulations).

#### D. Purpose and Background

In this Commonwealth, thousands of lakes, ponds and stream sections are stocked by private individuals each year. To improve the Commission's understanding of stockings occurring in this Commonwealth, protect aquatic resources and address increased risks associated with aquatic invasive species and pathogens, there is a need to collect information on non-Commission fish stockings occurring in this Commonwealth. Commission staff have undertaken an effort to improve management and oversight of fish and aquatic life transportation and stocking in this Commonwealth through the development of an NOS.

In the United States, over 30 states have requirements for tracking how and when fish are stocked in state waters. Notably, all states in the Northeast except Penn-

sylvania, require some form of documentation when individuals or entities stock fish in state waters. Section 2102 of the code allows the Commission to develop rules and regulations concerning fish and fishing in waters of this Commonwealth, and for the protection, preservation and management of fish and fish habitat. Regulations may be developed for the transport, introduction, import and export of fish, as well as inspection for disease. Section 73.1 addressed this topic; however, there is need for updated regulations to ensure adequate protection, preservation and management of aquatic resources are in place.

In conjunction with the creation of the NOS, Commission staff have also developed a fish health inspection protocol to provide additional protection to the Commonwealth's aquatic resources, prevent the introduction of serious pathogens not known to be present in this Commonwealth, and to control the spread and the prevalence of pathogens already present in this Commonwealth. The Commission recognizes that the NOS requirement, fish health inspection protocol and accompanying regulations will result in changes to the stockings undertaken by private individuals and the aquaculture industry. Implementation of an NOS and applicable fish health requirements will strike a balance of avoiding serious ecological and financial damages to this Commonwealth's aquatic resources and aquaculture industry, while still allowing interested persons to stock fish for angling purposes.

In addition to stocking and fish health necessities, watercraft inspection requirements can prevent the spread of aquatic invasive species by watercraft throughout this Commonwealth. For example, in 2021, invasive zebra mussels were discovered in Raystown Lake in Huntingdon County and were likely introduced by a watercraft. Boaters (with limited exceptions) will be required to drain live wells and bilges by removing the drain plug before transporting watercraft away from a water of this Commonwealth. Moreover, boaters will be prohibited from placing a watercraft, trailer or related equipment into a water of this Commonwealth if aquatic plants or prohibited species are present. At least 19 states have created watercraft inspection or decontamination programs.

In addition, Commission staff have created a regulatory section that prohibits the release or disposal of live bait fish into waters of this Commonwealth. An individual may continue to collect live bait fish for angling purposes, provided that a bait fish species is not transferred into another drainage the species is not already present.

Besides the creation of new regulatory provisions as outlined previously, Commission staff retained several existing sections from Chapters 71 and 73 relating to closed system propagation, introduction and transportation of VHS-susceptible species, stocking of designated waters and Commission fish, triploid grass carp requirements and prohibited species. Through the inclusion of new sections and the retention of existing language, Commission staff believe Chapter 71a provides adequate protection for this Commonwealth's aquatic resources in relation to current conservation challenges, aligns with the regulations of several neighboring states, and provides improved flow and clarity for regulatory interpretation.

A notice of proposed rulemaking was published at 52 Pa.B. 3423 (June 18, 2022). The Commission received a total of 1,073 public comments regarding the initial proposal: 88 supported the proposal, 56 supported por-

tions of the proposal, 523 opposed the proposal, 306 opposed portions of the proposal and 100 did not pertain to the proposal. Upon consideration of these comments, feedback received from numerous stakeholders and public, and further review of the proposed rulemaking brought before the Commission at the April 25, 2022, quarterly Commission meeting, the Commission conducted Fisheries and Hatcheries Committee meetings on September 28, 2022; January 4, 2023; April 5, 2023; and June 27, 2023, to further consider and refine the proposal. In addition to Commission and committee meetings, Commission staff actively pursued outreach efforts to solicit additional feedback from various stakeholders through participation and presentation at multiple meetings with the Pennsylvania Aquaculture Advisory Committee, the Department of Agriculture, Commission cooperative nurseries and private fishing clubs. Throughout this process, revised drafts of the proposal were shared with stakeholders to solicit feedback.

E. *Summary of Changes*

The broad rationale for the proposed changes is set forth previously in the Purpose and Background section. After multiple Commission Board and Committee meetings and multiple opportunities for public comment, amendments were made to this final-form rulemaking to address concerns brought forth by the public and industry. Those changes narrow the scope of the original proposed rulemaking as it was published at 52 Pa.B. 3423 and include:

§ 71a.1. *Authority and definitions*

- Definition of “ornamental pond” is added to clarify what is not subject to an NOS requirement.

§ 71a.2. *General*

- This section is updated to reflect an NOS requirement, instead of a stocking authorization.

§ 71a.3. *Fish propagation and introductions list*

- Replaces stocking authorization language with “written approval from Commission” for potential stocking of genetically modified fish because of the NOS update.

§ 71a.5. *Notice of Stocking to the Commission*

- Eliminates reference to a stocking authorization for consistency and put focus on an NOS requirement to gather stocking data.
- Eliminates language requiring a person to ensure water used to transport fish was free of injurious pathogens due to the practical challenges of testing and compliance.
- Eliminates language that a stocking authorization may be amended by the Commission because an NOS will not require approval to stock.
- Eliminates all language referring to staff review, appeals, procedure and final agency action on a stocking authorization because an NOS will not be approved or denied by staff.
- Updates the effective date of the section to make the NOS effective on January 1, 2024.
- Inserts language to clarify species approved for stocking through an NOS includes those on the Propagation and Introduction list (for example: a stray bluegill is stocked on a truck full of bass but both species can be stocked Statewide).
- Inserts a subsection that uses identical language as in deleted § 73.1 with a focus on not stocking fish species



in watersheds where they are not present, as well as reserving authority for the agency to require fish health inspections on lots of fish transported into this Commonwealth.

- Inserts a subsection clarifying an NOS does not allow individuals to stock waters with fish currently prohibited from stocking.

§ 71a.6. *Fish health certificate requirements*

- Eliminates language that prohibits fish from being stocked with visible lesions, hemorrhaging, fungi and signs of disease because aquaculture propagators currently engage in the practice of stocking healthy fish.

- Updates the effective date of the fish health protocol to January 1, 2026.

§ 71a.7. *Introduction or transportation of VHS-susceptible species of fish*

- Updates the definition of “VHS-susceptible species” to include the World Organization for Animal Health’s Aquatic Manual and species listed in the Commission’s Propagation and Introduction list.

§ 71a.11. *Prohibited species*

- Removes reference to aquatic noxious weeds in the prohibited species list because of enforcement challenges and plant identification difficulties; instead, the watercraft inspection requirements section will have the same practical effect.

- Removes New Zealand mudsnail from the prohibited species list because of organisms in trade limitations and compliance challenges.

§ 71a.13. *Bait fish importation and use*

- Replaces stocking authorization language with NOS language.

To facilitate the implementation of an NOS, fish health requirements and watercraft inspection necessities, the Commission deletes and reserves Chapters 71 and 73 and adds Chapter 71a. The Commission amends §§ 57.8a and 63.51 to update the citations to align with Chapter 71a.

F. *Paperwork*

This final-form rulemaking will increase paperwork and will create new paperwork requirements in that persons intending to stock fish in waters of this Commonwealth will submit an NOS to the Commission. In addition, persons transporting fish into this Commonwealth or stocking fish in the waters of this Commonwealth, may be required to possess a fish health certificate when conducting those activities to ensure fish are free of specific pathogens, diseases or parasites.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This final-form rulemaking will have an estimated adverse impact of approximately \$1.3 million on the Commission. This is the cost to develop, implement and maintain the proposed NOS process and will be spread over 7 fiscal years. In addition, this final-form rulemaking will impose new costs on the private sector in that prior to fish being imported into this Commonwealth or stocked in waters of this Commonwealth, the fish or artificial propagation facility where the fish are raised will have to be tested and certified as negative for specific pathogens, diseases and parasites as determined by the Commission. Many of these requirements are already in place in neighboring states.

H. *Public Comments*

A notice of proposed rulemaking was published at 52 Pa.B. 3423. The Commission received a total of 1,073 public comments regarding the initial proposal: 88 supported the proposal, 56 supported portions of the proposal, 523 opposed the proposal, 306 opposed portions of the proposal and 100 did not pertain to the proposal.

Four themes emerged in the public comments supporting the proposed rulemaking. The first was that the unauthorized stocking of streams by individuals and clubs can be detrimental to the native populations and is vital for fisheries managers to understand what is being introduced into the waters of this Commonwealth. Second was that regulation is necessary to prevent the introduction and spread of aquatic invasive species. Third was support for the stocking authorization and the NOS as there is significant justification for requiring approval of fish being introduced to the waters of this Commonwealth by private stockings. Finally, the fourth theme was that the proposed rule would not diminish opportunities for private stockings or inhibit private hatcheries from raising and supplying fish. The Commission agrees with these four themes.

Five themes emerged in the public comments opposed to the proposed rulemaking. The first was that, as written, the proposed rule created additional barriers to those wanting to stock fish in this Commonwealth and created a situation of impossible compliance causing individuals or groups, or both, stocking fish to stop stocking or violate the regulations. The Commission addressed these concerns by removing the requirement to receive an approved stocking authorization from the Commission and replaced it with the NOS that does not require Commission approval.

The second theme in opposition was that no economic impact analysis was completed to determine the economic effect on the commercial fish farming industry, Pennsylvania fishing clubs, tourism or the general public. The Commission addressed this concern by developing a no-fee NOS that does not require approval to stock fish in waters of this Commonwealth. Furthermore, the Commission determined there would be no negative fiscal impact to the Commonwealth or political subdivisions.

The third theme in opposition was that the stocking authorization should not be included in the rulemaking. The Commission agreed.

The fourth theme in opposition was that stocking by private individuals, groups and cooperative nurseries have supplemented trout stockings for years with very little, or no, adverse effects. The Commission agrees that this Commonwealth has not yet experienced an adverse effect; however, the proposed rulemaking was designed as a proactive measure to lower the likelihood of a future adverse effect.

The fifth and final theme in opposition was that regulations already require fish being transported into this Commonwealth to be tested for diseases, parasites and aquatic invasive species, in-State hatcheries are constantly monitored for fish health, and there are regulations for which species of fish can be stocked and in which bodies of water. The Commission acknowledges that these regulations exist; however, these regulations are insufficient in regard to the protection of this Commonwealth’s aquatic resources in relation to current conservation challenges and alignment with the regulations of several neighboring states.



The Commission addressed the comments received through the revisions it made to the proposed rule-making, which are detailed previously in the Summary of Changes section, that narrowed the scope of the regulation.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 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 and public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(A) The regulations of the Commission, 58 Pa. Code Chapters 57, 63, 71, 71a and 73, are amended by amending § 57.8a and 63.51, adding §§ 71a.1—71a.14 and deleting §§ 71.1—71.8 and 73.1—73.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(D) This order shall take effect January 1, 2024, unless otherwise specified in Chapter 71a.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-325. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) Fish Fund; (2) Implementing Year 2021-22 is \$105,000; (3) 1st Succeeding Year 2022-23 is \$160,000; 2nd Succeeding Year 2023-24 is \$203,713; 3rd Succeeding Year 2024-25 is \$206,310; 4th Succeeding Year 2025-26 is \$220,944; 5th Succeeding Year 2026-27 is \$223,736; (7) General Operations; (8) recommends adoption. The Fish Fund can absorb these costs which are significantly lower than the proposed regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 57. STATEMENTS OF POLICY**

**Subchapter A. FISHERIES POLICIES**

**§ 57.8a. Class A wild trout streams.**

It is the policy of the Commission 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, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking. However, there may be circumstances that justify stocking a Class A wild trout stream. Prior to granting permission to stock a Class A wild trout stream under § 71a.8 (relating to stocking of designated waters), the Executive Director will consult internal decision-making criteria set forth in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters* to consider the need for continued stocking at newly designated Class A wild trout streams and obtain the approval of the Commission. Consideration will only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit for continued stocking from the Commission between 2010 and the effective date of this amendment will be eligible for consideration.

\* \* \* \* \*

**Subpart B. FISHING**

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.51. Sale of VHS-susceptible species of fish.**

\* \* \* \* \*

(d) It is unlawful to sell in this Commonwealth VHS-susceptible species of fish from a VHS-affected or VHS-at-risk region, unless the fish meet the requirements of § 71a.7 (relating to introduction or transportation of VHS-susceptible species of fish).

**CHAPTER 71. [Reserved]**

Sec.  
71.1.—71.8. [Reserved].

**CHAPTER 71a. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS**

**Subchap.**

- A. SCOPE AND ADMINISTRATIVE PROVISIONS**
- B. PROPAGATION OF FISH IN THIS COMMONWEALTH**
- C. FISH INTRODUCTION AND HEALTH MANDATES**
- D. PROHIBITED SPECIES, AQUATIC INVASIVE SPECIES AND VECTOR PREVENTION**

**Subchapter A. SCOPE AND ADMINISTRATIVE PROVISIONS**

Sec.  
71a.1. Authority and definitions.  
71a.2. General.

**§ 71a.1. Authority and definitions.**

(a) *Authority.* Under section 2102 of the code (relating to rules and regulations), the Commission may promulgate rules and regulations to preserve, protect and enhance the fishery interests of the Commonwealth.

(b) *Definitions.* The following words, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

*Department*—The Department of Agriculture of this Commonwealth.

*Diploid*—Having two haploid sets of homologous chromosomes.

*Genetically modified*—An organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques and includes the progeny of any genetically modified organism derived therefrom.

*Grass carp*—*Ctenophryngodon idella*, also known as white amur.

*Ornamental pond*—An outdoor pond constructed as an aesthetic landscape feature that has a closed system of water circulation with no risk of contacting the surface waters of this Commonwealth; this does not include aquaculture facilities, ponds constructed to provide fishing opportunity, or ponds used for the confinement or production of baitfish.

*Triploid*—Having three haploid sets of homologous chromosomes.

#### § 71a.2. General.

No species of fish may be introduced into waters of this Commonwealth, unless baited on a hook for angling purposes, without prior submission of a Notice of Stocking to the Commission on a form prescribed by the Commission. For the purposes of this subsection, “waters of this Commonwealth” does not include waters contained within a property or premise of a propagation or dealer facility licensed under 3 Pa.C.S. §§ 4201—4223 (relating to Aquaculture Development Law). Fish health certification requirements provided in § 71a.6 (relating to fish health certificate requirements) shall be adhered to, when applicable.

### Subchapter B. PROPAGATION OF FISH IN THIS COMMONWEALTH

Sec.

71a.3. Fish propagation and introduction list.

71a.4. Closed system propagation.

#### § 71a.3. Fish propagation and introduction list.

(a) *General.* The Bureau of Fisheries will maintain a list of species by watershed for which the Department may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The Director of the Bureau of Fisheries may update or modify the list of authorized species by adding species to, or deleting species from, the list as necessary to provide for the protection and management of fish and fishing in this Commonwealth. The Commission will provide the list to the Department on or before January 31 each year and whenever the Commission updates or modifies the list. Copies of the list of authorized species are available upon request from the Fish and Boat Commission, Bureau of Fisheries, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823.

(b) *Grass carp.*

(1) It is unlawful to propagate grass carp, diploid or triploid, in this Commonwealth.

(2) The introduction or importation of grass carp into this Commonwealth or waters of this Commonwealth is prohibited, except that triploid grass carp may be introduced as provided in § 71a.10 (relating to triploid grass carp).

(c) *Genetically modified fish.* A genetically modified fish may not be propagated and introduced into waters of this Commonwealth, without prior written approval from the Commission.

#### § 71a.4. Closed system propagation.

(a) *Closed (no discharge) system.*

(1) A propagating system may be designated as a closed system only if all of the following criteria are met:

(i) There will be 100% recycling water as normal operations.

(ii) The system will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this subsection, a wall, floor or roof will be considered solid if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of aquatic organisms from the closed system.

(iii) Water can be added to the system only for making up evaporative loss, cleaning and fish harvesting or to reduce toxic ammonia/nitrates by diluting.

(iv) The system does not discharge water into waters of this Commonwealth.

(v) No live fish or live fish eggs may be allowed to escape with water discharges. Accidental spillage of live fish or live fish eggs, including truck loading, and the like, will be contained within the facility in a manner that will prevent fish and fish eggs from escaping into the waters of this Commonwealth.

(vi) The system operator is registered with the Department.

(2) The Department will notify the Commission when it receives an application to register a proposed closed system, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed in a manner to prevent escapement of live fish or live fish eggs into the waters of this Commonwealth. Closed systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with the requirements of this section and the Commission may issue an order to suspend operations of any closed system when an inspection discloses that it is not in compliance.

(3) The Commission will invite the Department’s Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators to help them ensure enclosed facilities prevent escape of aquatic organisms into the waters of this Commonwealth. These guidelines will assist registered propagators in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.

(b) *Systems with discharges rendered incapable of containing living organisms.* A system whose discharge of water is rendered incapable of containing self-perpetuating living organisms shall be registered with the Department. The Department will notify the Commission when it receives an application to register a proposed system under this subsection, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed so that its discharge is rendered incapable of containing live fish or live fish eggs. Systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with this section and the Commission may issue an order to suspend operations of any system when an inspection discloses that it is not in compliance. The registration of this system may include any species of fish with the approval of the Department.

(c) *Escape of fish into waters of this Commonwealth.* It is unlawful for an operator of any system registered under subsection (a) or subsection (b) to allow fish to escape into the waters of this Commonwealth.

(d) *Written plans for discharge.* An operator of any system registered under subsection (a) or subsection (b)

shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or treating discharge in the event of a discharge system failure.

(e) *Notification in event of discharge.* An operator of any system registered under subsection (a) or subsection (b) shall notify both the Commission's Director of the Bureau of Fisheries and the Department's Aquaculture Coordinator immediately in the event of a discharge system failure that is likely to contain viable living organisms.

**Subchapter C. FISH INTRODUCTION AND HEALTH MANDATES**

- Sec.
- 71a.5. Notice of Stocking to the Commission.
- 71a.6. Fish health certificate requirements.
- 71a.7. Introduction or transportation of VHS-susceptible species of fish.
- 71a.8. Stocking of designated waters.
- 71a.9. Improper stocking of Commission fish.
- 71a.10. Triploid grass carp.

**§ 71a.5. Notice of Stocking to the Commission.**

(a) *General*

(1) No person may introduce any species of fish into waters of this Commonwealth (except baited on a hook for angling purposes) without prior submission of a Notice of Stocking to the Commission. For the purposes of this subsection, "waters of this Commonwealth" does not include waters contained within a property or premise of a propagation or dealer facility licensed under 3 Pa.C.S. §§ 4201—4223 (relating to Aquacultural Development Law). Persons who notify the Commission of an intent to stock fish through a Notice of Stocking should also ensure that fish intending to be stocked are limited to those listed on the Notice of Stocking and the Commission's Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions list. An electronic or hard copy of the Notice of Stocking shall be present at the location during the time fish are stocked. In the event the person(s) who filed a Notice of Stocking is not present during the time of stocking, an entity stocking fish on behalf of the authorized person shall possess a copy of the Notice of Stocking.

(2) In addition to the Notice of Stocking requirement set forth in paragraph (1), species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth. Written permission from the Commission may be obtained by sending a request to the Executive Director, P.O. Box 67000, Harrisburg, Pennsylvania 17106.

(3) The following apply:

(i) The following do not require submission of a Notice of Stocking:

(A) Fish not on a Commission prohibited species list and raised and sold for the intended uses of indoor aquaria.

(B) Fee fishing operations located on the same property as a propagation facility licensed under 3 Pa.C.S. §§ 4201—4223.

(C) Outdoor ornamental ponds not discharging into a water of this Commonwealth.

(ii) Species obtained through or originating from pet stores or tropical and ornamental fish dealers may not be released into waters of this Commonwealth.

(4) Submission of a Notice of Stocking does not authorize individuals or organizations to stock waters that are prohibited from stocking as defined in §§ 57.8a (relating to Class A wild trout streams) and 71a.8 (relating to stocking of designated waters).

(b) *Notice of Stocking Form.* A Notice of Stocking shall be made on a form prescribed by the Commission. In addition to the information required under 1 Pa. Code § 35.2 (relating to contents of applications), persons notifying the Commission of intent to stock must provide other information as may be required by the Commission to fully describe the details of the planned stocking.

(c) *Exceptions.* Exceptions from a Notice of Stocking submission will require prior written approval from the Executive Director or their designee.

(d) *Effective Date.* Beginning on January 1, 2024, the provisions of § 71a.5(a)—(c) shall be effective.

**§ 71a.6. Fish health certificate requirements.**

(a) A fish health certificate may be required, as specified in subsection (b), for fish being imported into this Commonwealth and shall certify fish intending to be introduced, place or stocked in waters of this Commonwealth are free of specific diseases, pathogens or parasites determined by the Commission to be of a risk to the fishery interests of the Commonwealth. The Commission will consult with the Department for potential testing of dangerous transmissible diseases of fish.

(b) The Commission shall develop a Fish Health Inspection Protocol for Importation into the Commonwealth and Introduction into Waters of this Commonwealth (protocol). The Commission shall determine which diseases, pathogens or parasites are required for testing for species of fish intending to be introduced into waters of this Commonwealth. The Commission will consult with the Department for potential testing of dangerous transmissible diseases of fish. Fish health certification requirements and procedures shall be modified or updated by the Commission, as necessary. When updates to the protocol occur, the Commission shall publish the protocol as a notice in the *Pennsylvania Bulletin* and notify the Department of the changes.

(c) The Commission may require testing for intrastate introduction, placement or stocking of fish, as specified in subsection (b), to prevent the introduction or spread of specific diseases, pathogens or parasites that pose a risk to the fishery interests of the Commonwealth. The Commission will consult with the Department for potential testing of dangerous transmissible diseases of fish.

(d) The following fish health requirements apply to the importation of fish into this Commonwealth:

(1) Fish and fish eggs imported into this Commonwealth must originate from sources with a copy of the fish health certification report for all applicable fish being stocked as indicated in the protocol, or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been



certified as having tested negative for all applicable fish pathogens, unless the fish meet one of the following requirements:

(i) The fish are being transported through this Commonwealth, the shipping container remains bio-secure in transit, and the fish are accompanied by documentation stating the point of origin of the fish and the location outside of this Commonwealth where they are to be delivered.

(ii) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes, the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish, and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination where they are to be delivered for testing or scientific purposes.

(iii) The fish are being transported to a slaughter facility, processing plant or restaurant within this Commonwealth, and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination where they are to be delivered for slaughter, processing or consumption.

(iv) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption or taxidermy.

(2) Specific testing requirements may vary depending on the species of fish, geographical location of the shipping facility or source, and the final designated end use of the fish being imported into this Commonwealth. The Commission's protocol shall specify these requirements.

(3) Documentation of testing results shall remain with the fish during transport and produced upon request.

(e) The following fish health requirements apply to the introduction of fish into waters of this Commonwealth:

(1) Fish being introduced into waters of this Commonwealth must originate from sources that comply with the fish health inspection process described in the Commission's protocol.

(2) Specific testing requirements may vary depending on the species, origin and final location of where the fish are being introduced into waters of this Commonwealth. The Commission's protocol shall specify these requirements.

(3) When applicable, persons who have filed a Notice of Stocking with the Commission or their agent shall have in their possession, and present upon the request of an officer authorized to enforce the code:

(i) a copy of the fish health certification report for all applicable fish being stocked as indicated in the protocol and the Notice of Stocking; or

(ii) the Notice of Stocking and a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for all applicable fish pathogens as indicated in the protocol and Notice of Stocking.

(f) The Commission grants a grace period for full implementation of the protocol through December 31, 2025. Beginning on January 1, 2026, the provisions of this section and the protocol shall be effective.

**§ 71a.7. Introduction or transportation of VHS-susceptible species of fish.**

(a) *Intrastate transportation.* It is unlawful to introduce, transport or cause the transportation of VHS-

susceptible species of fish from the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth, except in accordance with § 69.3(b) and (d) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(b) *Interstate transportation.* It is unlawful to introduce, transport or cause the transportation into the waters of this Commonwealth VHS-susceptible species of fish from a VHS-affected or VHS-at risk region or VHS-affected or VHS-at risk state unless the fish meet the requirements one of the following requirements:

(1) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Persons transporting these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

(2) The fish are being transported through this Commonwealth and the shipping container including a tank, trailer, holding vessel or other container remains bio-secure in transit and the fish are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

(3) All of the following apply:

(i) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes.

(ii) The persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish.

(iii) The fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant within this Commonwealth and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

(c) *International movement.*

(1) Except as provided in paragraph (2), it is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region.

(2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

(d) *Definitions.* The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:



*VHS-affected or VHS-at risk region*—Includes the Canadian provinces of Ontario and Quebec or other region that the Animal and Plant Inspection Services of the United States Department of Agriculture (APHIS) later designates by order, or the Commission later defines by notice in the *Pennsylvania Bulletin* as being a VHS-affected region or VHS-at risk region.

*VHS-affected or VHS-at risk state*—Includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order, or the Commission later defines by notice in the *Pennsylvania Bulletin* as being a VHS-affected state or VHS-at risk state.

*VHS-susceptible species*—Those listed as a susceptible host species by the World Organization for Animal Health's Aquatic Manual and listed on the Commission's Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions list or as the Commission defines by notice in the *Pennsylvania Bulletin*. The term:

- (1) Includes fish that are dead or alive, preserved or unpreserved, and the parts of the fish.
- (2) Does not include the eggs of these species.

**§ 71a.8. Stocking of designated waters.**

It is unlawful to introduce, place or stock fish in waters that have been designated by the Commission as catch and release, wilderness trout or wild trout management waters except with the express written consent of the Executive Director or their designee. This section does not prohibit a person from returning fish unharmed to the waters from which they were caught or taken.

**§ 71a.9. Improper stocking of Commission fish.**

When stocking fish reared or salvaged by the Commission or a cooperative nursery recognized by the Commission, the following acts are prohibited:

- (1) Failure to stock fish in waters designated by Commission personnel.
- (2) Diversion of fish to be stocked to waters not open or accessible to free public fishing.
- (3) Mishandling or misuse of fish being stocked in a manner so as to damage or destroy the fish.

**§ 71a.10. Triploid grass carp.**

(a) *Policy.* As a limited exception to the prohibition of grass carp in this Commonwealth, it is the policy of the Commission to permit triploid grass carp, certified by the United States Fish and Wildlife Service (USFWS) and procured from a producer participating in the USFWS certification program, to be introduced into Commonwealth waters and imported and transported into this Commonwealth in accordance with this section.

- (b) *Status.* The triploid grass carp is not a game fish.
- (c) *Permit required.*

(1) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that permits shall be required for possessing triploid grass carp or introducing them into Commonwealth waters and for importing or transporting triploid grass carp into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pond owner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise

controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit, for a fee of \$85. A person who wishes to import triploid grass carp into this Commonwealth shall, before doing so, obtain from the Commission a triploid grass carp importation/transportation permit, for a fee of \$85. Permits shall be applied for on forms supplied by the Commission. Live triploid grass carp imported and intended for introduction into waters of this Commonwealth shall be in compliance with § 71a.6 (relating to fish health certificate requirements).

(2) A person aggrieved by a Commission staff action on a permit application may appeal under Chapter 51, Subchapter E (relating to permit procedures) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(d) *Dealers and importers.* In addition to the triploid grass carp permit required by subsection (c), dealers and importers shall obtain and maintain all licenses, permits and registrations required by the Department for the sale or transportation of fish.

(e) *Restrictions on introduction of triploid grass carp.*

(1) The Commission will not approve the stocking or release of triploid grass carp into a water body wholly or partially in this Commonwealth that is currently known to be inhabited by a species of animal or plant currently listed as status endangered, threatened, candidate or other special concern status, by a state or Federal agency with jurisdiction for the species, without prior written approval for the stocking or release by the agency or agencies which classified the species as endangered, threatened, candidate or of special concern.

(2) The Commission will not approve stocking or release of triploid grass carp into wetlands under Federal or state jurisdiction except in compliance with applicable Federal or state regulations including, when required, the written approval for the stocking or release by the involved agency or agencies.

(3) The Commission will not approve stocking or release of triploid grass carp into a body of water more than 5 acres in surface area until the applicant submits an environmental inspection report prepared by a biologist, fisheries scientist or environmental scientist acceptable to the Commission. The environmental inspection report shall include all of the following:

- (i) A certification that the preparer has personally inspected the pond or body of water and that the stocking of triploid grass carp will have no adverse environmental impacts on the waters where stocked or waters upstream or downstream of the waters.
- (ii) A description of the measures taken by the applicant to prevent the escape of the grass carp into waters upstream or downstream of the stocked waters.
- (iii) Additional information as the Commission may require.

(4) The Commission may require an applicant for a permit to stock triploid grass carp in a pond or body of water of 5 or less acres in surface area to submit an environmental inspection report in the format described in paragraph (3) when the staff's review of the application indicates that further inspection or review of the proposed stocking is appropriate under the circumstances.

(5) The issuance of permits under this section will be subject to the public notice and comment provisions of Chapter 51, Subchapter E.

(f) *Prohibited acts.*

(1) It is unlawful to transport, import, possess or introduce triploid grass carp in this Commonwealth unless the person possessing, transporting, importing or introducing the grass carp obtains and maintains required permits, possesses a valid bill of sale or bill of origin from a producer participating in the USFWS triploid grass carp certification program and the grass carp are certified by the USFWS to be triploid grass carp. Permits shall be displayed upon request to an officer authorized to enforce the code or this part. The certification of triploid status shall be obtained from the producer at the time of purchase.

(2) Persons, organizations or companies are prohibited from giving, trading or exchanging triploid grass carp except to persons holding valid triploid grass carp possession/introduction permits.

(g) *Revocation or suspension of permits.* Failure to abide by regulations, permits and permit conditions pertinent to triploid grass carp possession, transportation and introduction may result in suspension or revocation of the applicable permits in accordance with Chapter 51, Subchapter C (relating to suspension, denial or revocation of licenses, permits, registrations or privileges). Revocation or suspension shall be in addition to other applicable penalties provided by law or regulation.

#### Subchapter D. PROHIBITED SPECIES, AQUATIC INVASIVE SPECIES AND VECTOR PREVENTION

Sec.

71a.11.	Prohibited species.
71a.12.	Watercraft requirements and prohibitions.
71a.13.	Bait fish importation and use.

#### § 71a.11. Prohibited species.

(a) It is unlawful to introduce, import, possess or transport in or through this Commonwealth, or the waters of this Commonwealth, the following species:

- (1) Snakeheads (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena rostriformis bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Freshwater tubenose goby (*Proterorhinus semilunaris*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Crayfish (all live species), except when any of the following apply:
  - (i) Possessed and used as bait on, in or about the water from which taken.
  - (ii) Possessed or imported for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered.
  - (iii) Dead with the head removed or salted and dried for angling purposes.
- (11) Ruffe (*Gymnocephalus cernua*).

(b) *Exceptions.* Species in subsection (a)(1)—(4) may be possessed in this Commonwealth for the purposes of consumption or slaughter only. Other exceptions for spe-

cies in subsection (a) shall require prior written approval from the Commission's Executive Director.

#### § 71a.12. Watercraft requirements and prohibitions.

(a) *General.* No person may intentionally place or attempt to place a watercraft, trailer or water-related equipment into waters of this Commonwealth, including aquatic plant harvesting or control equipment, that has aquatic plants or prohibited species attached, in whole or in part, except as provided in this section.

##### (b) *Removal and confinement.*

(1) A waterways conservation officer may order the following:

(i) The removal of aquatic plants or prohibited species listed in § 71a.11(a) (relating to prohibited species) from a watercraft, trailer or water-related equipment before being transported or before it is placed into waters of this Commonwealth.

(ii) Confinement of the watercraft at a mooring, dock or other location until the related equipment is removed from the water.

(iii) Removal of watercraft from a water of this Commonwealth to remove prohibited invasive species if the water has not been listed by the Commission as being infected with that species.

(iv) A prohibition on placing a watercraft into a water of this Commonwealth when the watercraft has aquatic plants or prohibited invasive species attached in violation of subsection (a) or when water has not been drained or the drain plug has not been removed in violation of subsection (c).

(v) Decontamination of a watercraft, if possible, on site.

(2) An order for removal of prohibited invasive species under paragraph (1)(i) or decontamination of a watercraft under paragraph (1)(v) may include issuing a notice that specifies a time frame for completing the removal or decontamination, and re-inspection of the watercraft.

##### (c) *Persons transporting watercraft.*

(1) When leaving a water of this Commonwealth, a person must drain a watercraft holding water (including those without plugs) and live wells and bilges by removing the drain plug before transporting the watercraft. Transporting includes moving the watercraft over land between connected or unconnected waterbodies but does not include moving watercraft within the immediate area required for loading and preparing the watercraft for transport over land. A person transporting game fish as a result of a tournament for weigh-in purposes is not subject to this subsection.

(2) Drain plugs, bailers, valves or other devices used to control the draining of water from ballast tanks, bilges and live wells must be removed or opened while transporting watercraft.

(3) A person shall ensure the watercraft, trailer, motor, boating gear and conveyance used to transport the watercraft and trailer are free of aquatic organisms, including vegetation.

#### § 71a.13. Bait fish importation and use.

(a) A person may not release or dispose live bait fish into any water of this Commonwealth, except live bait fish baited on a hook for angling purposes, without prior submission of a Notice of Stocking to the Commission. A person may collect live bait fish for angling. A species of bait fish collected for use as bait may not be transferred

from waters in this Commonwealth into another drainage of this Commonwealth where this particular species does not already exist. This subsection does not apply to the Commission, or a propagation facility licensed by the Department under 3 Pa.C.S. §§ 4201—4223 (relating to Aquaculture Development Law) for the purpose of releasing bait fish into waters of this Commonwealth as food for aquaculture or fisheries management purposes.

(b) Live bait fish imported and intended for introduction into waters of this Commonwealth shall be in compliance with § 71a.6 (relating to fish health certificate requirements).

(c) This subsection does not apply to dead bait fish (salted or frozen) sold for angling purposes outside the Lake Erie watershed. The provisions of § 71a.7 (relating to introduction or transportation of VHS-susceptible species of fish) shall be adhered to for purposes of this section.

**CHAPTER 73. [ Reserved ]**

Sec.  
73.1—73.3. [Reserved].

[Pa.B. Doc. No. 23-1284. Filed for public inspection September 22, 2023, 9:00 a.m.]

**Title 58—RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[ 58 PA. CODE CHS. 623b AND 633b ]**

**Craps and Mini-Craps Side Wagers and Variations; Blackjack Side Wagers and Variations—Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority) and § 13A03 (relating to temporary table game regulations), adopts the temporary regulations in §§ 623b.5 and 633b.16 (relating to power odds; and EZ Bust Blackjack) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

*Purpose of this Temporary Rulemaking*

This temporary rulemaking adds new side wagers and variations to existing games available for play in this Commonwealth.

*Explanation*

The addition to Chapter 623b (relating to Craps and Mini-Craps side wagers and variations—temporary regulations) adds Power Odds. Power Odds incorporates increased payout odds to be randomly applied to certain wagers in the game of Craps.

The addition to Chapter 633b (relating to Blackjack side wagers and variations—temporary regulations) adds EZ Bust Blackjack, a side wager. EZ Bust Blackjack allows for players to place the side wager when the dealer's hand shows a two, three, four, five or six card. The wager wins when the dealer's hand busts after drawing additional card(s) consistent with the rules for dealer's hands being dealt additional cards. Winning EZ Bust Blackjack wagers pay odds of 1 to 1.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this temporary rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

*Political subdivisions.* This temporary rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This temporary rulemaking will provide certificate holders with an additional table game option. If a certificate holder decides to offer any of the side wagers or variations, or both—temporary regulations within the licensed facility, the certificate holder will be required to train its dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

*General public.* This temporary rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

If a certificate holder seeks to offer any of the side wagers or variations contained in these temporary regulations the certificate holder will be required to submit a Rules Submission form reflecting the choices in how the game will be offered and with the selected side wagers and variations identified. These forms are available on the Board's public web site and submitted to Board staff electronically.

*Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 3 years from the date of publication.

*Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Robert Wood, Assistant Chief Counsel, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-245.

*Contact Person*

The contact person for questions about this temporary rulemaking is Robert Wood, Assistant Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law (CDL) (45 P.S. §§ 1201—1205); the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (CAA) (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 3 years after publication in the *Pennsylvania Bulletin*.

*Findings*

The Board finds that:



(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the RRA, sections 201—205 of the CDL and sections 204(b) and 301(10) of the CAA.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 623b and 633b, are amended by adding §§ 623b.5 and 633b.16 to read as set forth in Annex A.

(2) The temporary regulations are effective September 23, 2023.

(3) The temporary regulations will be posted on the Board’s web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

DENISE J. SMYLER,  
*Chairperson*

**Fiscal Note:** 125-245. No fiscal impact; recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 623b. CRAPS AND MINI-CRAPS SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 623b.5. Power Odds.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to players Power Odds, which provides the ability to win an increased payout based upon the results of a random number generator.

(b) Craps, Mini-Craps, or variations that offer Power Odds shall be played consistent with Chapters 623a or 623b (relating to Craps and Mini-Craps; and Craps and Mini-Craps side wagers and variations—temporary regulations), unless otherwise provided under this section.

(c) After all wagers have been placed consistent with § 623a.4 (relating to making and removal of wagers), but before the dice are thrown and the results known, the random number generator shall be initiated and shall display which bet or bets have been selected for which, if any, Power Odds increased payouts.

(d) The following wagers shall be eligible for the increased Power Odds:

<i>Wager</i>	<i>Power Odds</i>
Any Craps Bet	10 to 1 or 14 to 1
Any Seven Bet	6 to 1 or 8 to 1
11 in One Roll	22 to 1 or 30 to 1
One-Three or Ace-Trey on the Hop Bet	22 to 1 or 30 to 1

<i>Wager</i>	<i>Power Odds</i>
One-Four or Ace-Four on the Hop Bet	22 to 1 or 30 to 1
One-Five or Ace-Five on the Hop Bet	22 to 1 or 30 to 1
One-Six or Ace-Six on the Hop Bet	22 to 1 or 30 to 1
Two-Three or Deuce-Trey on the Hop Bet	22 to 1 or 30 to 1
Two-Four or Deuce-Four on the Hop Bet	22 to 1 or 30 to 1
Two-Five or Deuce-Five on the Hop Bet	22 to 1 or 30 to 1
Two-Six or Deuce-Six on the Hop Bet	22 to 1 or 30 to 1
Three-Four or Trey-Four on the Hop Bet	22 to 1 or 30 to 1
Three-Five or Trey-Five on the Hop Bet	22 to 1 or 30 to 1
Three-Six or Trey-Six on the Hop Bet	22 to 1 or 30 to 1
Four-Five on the Hop Bet	22 to 1 or 30 to 1
Four-Six on the Hop Bet	22 to 1 or 30 to 1
Four the Hardway on the Hop Bet	45 to 1 or 60 to 1
Six the Hardway on the Hop Bet	45 to 1 or 60 to 1
Eight the Hardway on the Hop Bet	45 to 1 or 60 to 1
Ten the Hardway on the Hop Bet	45 to 1 or 60 to 1
Horn bet (3, 11)	22 to 1 or 30 to 1
Horn Bet (2, 12)	45 to 1 or 60 to 1
C&E (2, 3, 12)	4 to 1 or 6 to 1
C&E (11)	10 to 1 or 14 to 1
Four the Hardway Bet	10 to 1 or 14 to 1
Six the Hardway Bet	13 to 1 or 18 to 1
Eight the Hardway Bet	13 to 1 or 18 to 1
Ten the Hardway Bet	10 to 1 or 14 to 1

**CHAPTER 633b. BLACKJACK SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 633b.16. EZ Bust Blackjack.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to players who have made a Blackjack Wager under § 633a.6(d) (relating to wagers) the option to place an EZ Bust Blackjack side wager.

(b) Except as provided under this section, Blackjack games which offer the EZ Bust Blackjack side wager shall follow the rules and procedures outlined in Chapter 633a (relating to Blackjack).

(c) A patron shall have the option to place an EZ Bust Blackjack wager if after dealing the initial two cards to the dealer’s hand under § 633a.7(f) (relating to procedure for dealing the cards; completion of each round of play) the dealer’s up card is a two, three, four, five or six.

(1) A patron shall have the option to place an EZ Bust Blackjack wager even if the patron was dealt a Blackjack.

(2) A patron shall have the option to place an additional EZ Bust Blackjack wager each time they split their hand under § 633a.11 (relating to splitting pairs).



(d) The patron may place an EZ Bust Blackjack wager up to an amount equal to their initial Blackjack wager.

(e) After the placement of any EZ Bust Blackjack wagers, the Blackjack round of play shall be completed consistent with § 633a.7.

(f) An EZ Bust Blackjack wager shall:

(1) Win if the dealer, having drawn a third card or more under § 633a.7(l)—(n), results in the dealer’s hand having a point count greater than 21—that is, busting.

(2) Lose if the dealer, having drawn a third card or more under § 633a.7(l)—(n), results in the dealer’s hand resulting in a point count less than or equal to 21.

(g) The certificate holder may, if specified in the rules submission, treat all EZ Bust Blackjack wagers as a push, if all players Blackjack wagers have resulted in a Blackjack or have busted.

(h) EZ Bust Blackjack wagers shall be settled prior to the settlement of the player’s Blackjack wager, and the removal of the player’s cards.

(i) Winning EZ Bust Blackjack wagers shall be paid at odds of 1 to 1.

[Pa.B. Doc. No. 23-1285. Filed for public inspection September 22, 2023, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 69 ]

#### Utilization of Storage Resources as Electric Distribution Assets

Public Meeting held  
August 24, 2023

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson, joint statement follows, Stephen M. DeFrank, Vice Chairperson, joint statement follows; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Utilization of Storage Resources as Electric Distribution Assets; M-2020-3022877*

#### Proposed Policy Statement Order

*By the Commission:*

On December 3, 2020, the Pennsylvania Public Utility Commission (Commission) initiated a proceeding to obtain stakeholder comment on the usage of electric storage to enhance reliability and resiliency in the electric distribution grid. With this Order the Commission issues, for comment, a proposed policy statement in Annex A that sets forth proposed guidelines for usage of electricity-storage assets as electric distribution assets in the Commonwealth.

#### *Background*

On December 3, 2020, the Commission initiated a proceeding at the above-referenced docket, via Secretarial Letter, related to electric storage to encourage electric distribution companies (EDC) transition toward a future that accommodates evolving needs of customers with increased reliability and resiliency. In the Secretarial Letter, the Commission posed the following questions for the regulated community for comment:

What applications can electric storage provide as a distribution asset for utilities that would facilitate improved reliability and resiliency?

What are the defining characteristics of electric storage used for distribution asset planning as distinguished from generation resources?

What thresholds, if any, would classify electric storage as a generation resource and therefore outside permitted distribution ratemaking and recovery?

Is it prudent for utilities to include electric storage in their distribution resource planning and, if so, where and under what circumstances?

Further, is it appropriate for utilities to include such investments in rate base?

The Commission received initial comments from the following: Advanced Energy Management Alliance (AEMA); Calpine Retail Holdings, LLC (Calpine); Clean Air Council, Sierra Club, Philadelphia Solar Energy Association, POWER Interfaith, and the Union of Concerned Scientists (collectively Clean Energy Advocates (CEA)); Convergent Energy and Power; the Pennsylvania

Department of Environmental Protection (DEP);<sup>1</sup> Duquesne Light Company (Duquesne Light); Energy Association of Pennsylvania (EAP); Edison Electric Institute (EEI); Energy Storage Association (ESA); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively FirstEnergy); Monitoring Analytics, LLC (Market Monitor); Natural Resources Defense Council; the Office of Consumer Advocate (OCA); PECO Energy; Pennsylvania Energy Consumer Alliance (PECA), Met-Ed Industrial User Group (MEIUG), Penelec Industrial Customer Alliance (PICA), Philadelphia Area Industrial Energy Users Group (PAIEUG), PP&L Industrial Customer Alliance (PPLICA), West Penn Power Industrial Intervenors (WPPII) (collectively, Large Customer Groups); PJM Power Providers Group (P3); PPL Electric Utilities Corporation (PPL); Retail Energy Supply Associations (RESA); Solar Energy Industries Association (SEIA); and UGI Utilities, Inc.—Electric Division (UGI).

Based upon the initial comments received in response to the Commission's December 3, 2020 Secretarial Letter, the Commission issued a subsequent Secretarial Letter on August 12, 2021, posing several follow-up questions:

1. What are the parameters that would allow for the use of energy storage on the distribution grid? For example, what factors should be used in the consideration of the energy-storage project? Should the energy-storage project meet certain thresholds and demonstrate certain requirements, e.g., demonstration of cost-effectiveness as compared to alternate measures, demonstration of need, required RFPs to solicit potential third-party providers, limitations on project size and scope, etc.

2. What EDCs have undertaken energy-storage initiatives as a pilot program and what were the results and lessons-learned?

3. Under what circumstances is it appropriate to deploy energy storage as compared to traditional infrastructure upgrades?

4. Who should own an energy-storage asset? EDCs, third-party vendors, or some combination of both?

5. What processes should the Commission use to review requests to utilize energy storage as a distribution asset and recover associated costs?

6. What cost recovery mechanisms should be implemented for the ownership and operation of energy-storage assets?

7. What are the appropriate models and limitations necessary to allow energy storage to participate in wholesale power markets?

After requesting further clarification from the interested parties, the Commission received supplemental comments from Calpine; CEA; DEP; Duquesne Light; EAP; EEI; FirstEnergy; Industrial Energy Consumers of Pennsylvania (IECPA); Large Customer Groups; OCA; PECO; P3; PPL; Pennsylvania Utility Law Project (PULP); SEIA; and UGI.

<sup>1</sup> DEP did not directly address the individual questions posed in the Commission's August Secretarial Letter. Instead, DEP's comments focus on support of the Commission's recommendations to explore the viability of utility investment in energy storage as a distribution asset for the purpose of enhancing or maintaining reliability of the electric distribution grid. Additionally, DEP directed the Commission to DEP's published report, Pennsylvania Energy Storage Assessment: Status, Barriers, and Opportunities, which was prepared by DEP's consultant, Stratagen Consulting. DEP Comments at 1.

### Discussion

As a preliminary matter, we note that any comments that we do not specifically delineate shall be deemed to have been duly considered and denied without further consideration. The Commission is not required to consider expressly or at length each contention or comment raised by the parties. *Consolidated Rail Corp. v. Pa. Pub. Util. Comm'n*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, generally, *Univ. of Pa. v. Pa. Pub Util. Comm'n*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

The Commission received comments to each of the seven questions it posed in its August 21, 2021 Secretarial Letter. In addition to receiving responses to these seven questions, some commenters included discussion on topics upon which the Commission did not request comments. Based upon the responses the Commission received from the commenters, the Commission will move forward with an Energy Storage Asset Policy Statement.

#### A. Definitions

As will be addressed, *infra*, the Commission proposes to establish defined terms that will be used in the Energy Storage Asset Policy Statement. A definitions section is necessary to define terms that are not defined elsewhere in the Public Utility Code, 66 Pa.C.S. §§ 101–3316. Accordingly, the Commission proposes the following definitions.

**Energy-storage asset.** The Commission proposes to use the definition that the Federal Energy Regulatory Commission (FERC) used in Order No. 841 to define “electric-storage resource,” that is, “a resource capable of receiving electric energy from the grid and storing it for later injection of electric energy back to the grid.” See Order No. 841, 162 FERC ¶ 61,127 at 29.

**Non-wires solution.** The Commission proposes to use the definition of “non-transmission alternative” or “NTA” from the National Regulatory Research Institution (NRRI) to define “non-wires solutions.”<sup>2</sup> NRRI describes an NTA as “electric utility system investments and operating practices that can defer or replace the need for specific transmission projects, at lower total resource cost, by reliably reducing transmission congestion at times of maximum demand in specific grid areas.” NRRI Study at iv. NRRI also describes an NTA as “any combination of equipment and operating practices that is capable of deferring or replacing the need for a specific electric power transmission project, by reliably alleviating transmission congestion in a specific area.” NRRI Study at 1. NRRI uses the term “non-transmission alternatives,” but since commenters here used the term “non-wires solutions,” we will use the term “non-wires solution.”

#### B. Electricity-Storage as a Distribution System Asset

The Commission proposes adding a section that establishes a policy for when an electricity-storage asset should be considered a distribution system asset. As noted above, in its December 3, 2020 Secretarial Letter, the Commission posed a series of questions to identify what areas, if any, could benefit from electricity-storage on the distribution grid and to understand what issues or concerns may occur as a result of the deployment of electricity-storage on the distribution grid.

Commenters provided a variety of nuanced responses that ranged from describing how an electricity-storage asset can improve resiliency and reliability, to proposing

alternate frameworks for assessing the cost-effectiveness of the storage asset. The comments and recommendations from the various parties are summarized as they relate to electricity-storage deployed as a distribution system asset.

In defining the scope of “electricity-storage for distribution purposes”, FirstEnergy proposes that the Commission should generally allow for the use of electricity-storage to support distribution grid reliability and resiliency, provide voltage support and volt-amps reactive (VAR) control, and manage short-term peak line or system loading or other distribution system constraints arising from electric vehicle (EV) adoption and other electrification. FirstEnergy stresses that regardless of the reason for electricity-storage use, the optimal amount and placement of electricity-storage will be dependent on the unique needs of each EDC and the details of the EDC’s current and projected system needs. FirstEnergy Supplemental Comments at 6, 8.

FirstEnergy contends that for distribution use cases, while electricity-storage may not be the most cost-effective solution in every case, it should be considered and evaluated in the EDC’s processes along with evaluating other factors that would ultimately lead to a traditional wires solution. FirstEnergy Supplemental Comments at 11.

FirstEnergy, PPL, and UGI enumerate some use cases including:

1. Options for addressing general load growth or a derating of an existing asset (such as a substation transformer) in an area that is transmission or sub-transmission constrained.
2. Options to provide capacity for areas that are a long distance from an existing transmission or sub-transmission lines.
3. Providing capacity relief for areas with high seasonal peak loads such as an island with a high summer peak and almost no load during the off season.
4. Providing a supplemental energy source and tie point to support a distribution circuit as opposed to constructing a new circuit.
5. Deployment in conjunction with distribution automation schemes where the electricity-storage system could be used and for voltage regulation or phase balancing to extend load transfers and restore a greater number of customers more rapidly.
6. Voltage Support for distributed energy resources (DERs) where an energy-storage system could provide voltage support for a distribution circuit that has a high penetration of inverter-based DERs which may have voltage fluctuations which are abrupt and intermittent, such as a reduction in kilowatt output due to a cloud passing over solar installations.
7. Use of emergency Demand Response to prevent emergency or temporary overloads on the distribution system and potentially avoid or defer costly system upgrades or keep customers in power during emergency conditions.
8. Reliability and restoration support where EDCs could use electricity-storage for reliability purposes where traditional alternatives would be less than ideal and/or cost prohibitive.

FirstEnergy Supplemental Comments at 11, PPL Supplemental Comments at 5-6, and UGI Supplemental Comments at 11-12.

<sup>2</sup> See Getting the Signals Straight: Modeling, Planning, and Implementing Non-Transmission Alternative Study, February 2015 (NRRI Study): <https://pubs.naruc.org/pub.cfm?id=536EF440-2354-D714-51CE-C1F37F9B3530>.

EDCs generally agreed that, given the rapid evolution of technology, the Commission should not impose limits or parameters on electricity-storage systems and that such projects should be reviewed on a case-by-case basis. PPL believes that the Commission should generally defer to the expertise and experience of the EDCs to determine the parameters on how the electricity-storage systems are used and that classification of electricity-storage systems as distribution, generation, or transmission is a fact-intensive inquiry that should be resolved on a case-by-case basis and take into consideration the location and use of the systems. PPL Comments at 2. However, PPL and FirstEnergy note that if the electricity-storage system is used by an EDC to solve distribution problems, provide benefits to distribution customers, and support the provision of safe and reliable service at a prudent and reasonable cost, then it should be considered a distribution asset. PPL Comments at 6 and FirstEnergy Comments at 5.

Furthermore, PPL and FirstEnergy assert that they bear responsibility for the safety of their workers and the safe and reliable operation of the distribution system on behalf of their customers and the public. PPL believes that EDCs should be required to comply with all industry safety standards for electricity-storage, including any American National Standards Institute (ANSI) and fire-protection requirements, when deploying and utilizing energy-storage systems. PPL Comments at 3 and FirstEnergy Comments at 5.

UGI asserts that EDCs are best suited to determine the appropriate methods and manners for integrating batteries into their systems to address reliability hazards, reduce distribution-system costs and enhance the customer experience. UGI Comments at 3. EAP contends that such parameters are better addressed in the context of a particular project rather than in a generic policy proceeding and asserts that providing guidance and not prescriptive rules or requirements is appropriate and lawful, and that such an approach is particularly warranted here when dealing with an evolving technology that can address a number of challenges faced by EDCs as they seek to modernize and invest in the distribution grid to accommodate customer needs for increased reliability and resiliency. EAP Comments at 5.

By contrast, SEIA, IECPA, and P3 argue that in a restructured market like the Commonwealth, additional parameters must be established to allow for the use of electricity-storage on the distribution grid if an electricity-storage asset is owned by a public utility. These commenters assert that when energy, capacity, or other ancillary resources are sold into competitive markets by EDCs, they are in direct competition with independently owned energy resources, that is, fundamentally in the realm of generation related to the bulk power system. In addition, these solutions are best provided by customers behind-the-meter. SEIA Comments 5-6, IECPA Comments at 2-3 and P3 Comments at 3.

Duquesne Light submits that the Commission should recognize that the value of electricity-storage lies in its versatility. Duquesne Light, EAP, and PECO believe that adhering to strict limitations and cost tests will artificially constrain the deployment of electricity-storage and that the Commission should exercise care to not unintentionally restrict the potential use cases for storage by establishing narrow thresholds and limits. Duquesne Light further contends that the principal limitation that should be placed on electricity-storage is its primary purpose and that the Commission should avoid narrowly

defining what types of distribution services electricity-storage can provide. Duquesne Light Comments at 6, EAP Comments at 9 and PECO Comments at 6-7. When considering parameters that would enable utility use of electricity-storage on the distribution grid, PECO recommends that the Commission prioritize electricity-storage applications that have the potential to further enhance system reliability and provide other benefits. PECO Comments at 3.

### C. Cost effectiveness

Duquesne Light agrees with other commenters that electricity-storage as a distribution asset must be cost effective but asserts that it is important to distinguish between “cost” and “value.” A simple cost-benefit test, like the Total Resource Cost (TRC) test<sup>3</sup> used in the implementation of Act 129<sup>4</sup>, should be avoided. Duquesne Light asserts that to adequately assess the value of storage it should be compared to the cost and value of a more traditional alternative. Duquesne Light goes on to enumerate examples of the value of storage that could be missed by applying the TRC, such as resiliency, enabling clean energy, time, reduced disruption to the community, reduced need to access private property for infrastructure, reduced environmental disruption, improved aesthetics, and equity. In support of utilizing electricity-storage as a distribution asset, Duquesne Light points to the Implementation Order for Phase I of Pennsylvania’s Energy Efficiency and Conservation Program<sup>5</sup>, which permitted public utilities to select the option that provides the greatest value to customers. Duquesne Light Supplemental Comments at 7-8.

PECO discourages the Commission from evaluating energy-storage projects to support distribution operations based strictly on a benefit-cost analysis (BCA). PECO asserts that public utility pilot projects would provide valuable insight on how to access multiple electricity-storage value streams and help to quantify what the likely benefits will be. PECO also asserts that application of a rigid cost-effectiveness requirement could limit the opportunity for demonstration projects and pilots that involve uncertain revenues or costs. PECO Comments at 3–5.

SEIA proposes that EDCs be required to compare the costs and benefits of a cost-of-service, rate based proposed energy-storage project with that of a private developer’s project. SEIA posits that this approach would best serve the interests of ratepayers, effectively ensuring that EDCs weigh the pros and cons of utility ownership of storage as a distribution asset against the pros and cons of contracting with third-party developers who may offer a more cost-effective storage solution or who may own and operate a portfolio of behind-the-meter energy-storage resources—either commercial and industrial (C&I) or residential—and synchronize them as a larger, unified and flexible resource to meet the utility’s distribution needs. SEIA Comments at 16.

In contrast to other commenters, the Large Customer Groups contend that EDCs should only adopt battery energy-storage system (BESS) projects where the benefits of such projects exceed their costs. They assert that, currently, conventional distribution system infra-

<sup>3</sup> We note that the current Commonwealth TRC Test order is addressed in 2021 Total Resource Cost (TRC) Test, Docket No. M-20219-3006868 (Ordered entered on 12/19/2019). <https://www.Commission.pa.gov/docket/M-2019-3006868>.

<sup>4</sup> We further note that Act 129 of 2008, 66 Pa.C.S. § 2806.1 (relating to energy efficiency and conservation program), directs the Commission to analyze the benefits and costs of the energy efficiency and conservation (EE&C) plans that certain EDCs are required to file.

<sup>5</sup> Energy Efficiency and Conservation Program, Docket No. M-2008-2069887 (Implementation Order entered January 16, 2009).



structure upgrades remain the least expensive solution to resolve most reliability and resiliency issues along the distribution grid. However, when a BESS project is less expensive than a conventional solution, or the EDC can demonstrate that the benefits of the BESS project would outweigh the costs, then it would be reasonable for the EDC to consider adoption of the BESS project. Large Customer Groups Comments at 2-3.

OCA notes that there is also the question of cost effectiveness of any storage project and whether a definitive showing must be made to establish a certain level of costs versus benefits. Electricity-storage is just one possible solution to distribution system upgrade concerns and the costs and benefits of any project should be adequately weighed against more traditional infrastructure upgrades. OCA Comments at 4-5.

### *Disposition*

#### *A. Definitions*

The Commission proposes to define “energy storage asset” as “a resource capable of receiving electric energy from the grid and storing it for later injection of electric energy back to the grid.” The Commission proposes to define “no-wires solution” as “an EDC investment and operating practice that can defer or replace the need for specific transmission and/or distribution projects, at lower total resource cost, by reliably reducing transmission congestion or distribution system constraints at times of maximum demand in specific grid areas.” As proposed, this term would have the same meaning as “non-transmission alternative,” which is the term used by NRRI.

#### *B. Electricity-Storage as a Distribution System Asset*

Commenters stated that it is impossible to list all the cases where electricity-storage may be appropriate compared to traditional investments but suggested some examples, including voltage support for DERs, and emergency-demand response, reliability/restoration support. Nearly all commenters agreed that the Commission should avoid narrow definitions of electricity-storage and that every project that may be suitable for electricity-storage should be assessed and reviewed on its individual merits. These same commenters agree that electricity-storage should be considered as another tool for EDCs to use to solve an issue. The Commission agrees with these comments, and views electricity-storage as another tool for EDCs to use to solve electric distribution system problems.

The Commission further agrees with commenters that EDCs’ primary goal should be the safe, reliable delivery of electricity to customers and that EDCs’ usage of electricity-storage should meet this goal. EDCs are uniquely positioned to best ensure that the distribution grid is properly managed, and the Commission sees no reason to prohibit the EDCs from utilizing electricity-storage systems to continue to solve electric distribution system problems and provide grid resiliency.

With respect to comments suggesting the use of pilot programs, the Commission agrees that pilot programs can provide valuable lessons. However, we are concerned that a focus predicated solely or predominantly on pilot-program outcomes would unnecessarily delay the deployment and utilization of electricity-storage as an electric distribution-grid asset in Pennsylvania. However, it is important to note that two Commonwealth-specific systems were discussed by commenters—UGI’s Ruckle Hill

Road Distribution Circuit<sup>6</sup> and PPL’s battery in Harrisburg.<sup>7</sup> Both provided valuable lessons on electricity-storage.

The Commission approved a pilot storage project by UGI, using a small-scale, 1.25 MWh battery-storage system that was proposed as a targeted means to enhance resiliency and improve reliability on a worst performing distribution circuit located in Wapwallopen, Pennsylvania, known as the Ruckle Hill Road distribution circuit. Calpine Comments at 3. In determining that the battery solution was the preferable approach to address the ongoing outage concerns, UGI compared the use of a battery solution to other traditional infrastructure solutions. Compared with these solutions, which range from \$3.0 million to \$5.1 million, the \$1.5 million cost of the battery presented the lowest cost solution to address the performance issues on the identified worst performing distribution circuit. UGI asserts that its rate case shows that battery solutions can and should be considered and assessed in the same way other infrastructure and reliability solutions are considered. UGI Comments at 9, 10.

While UGI has not yet implemented the battery-storage project, a review of the historic-outage conditions on the distribution circuit provides an idea of the impact the battery may have on reliability. Looking at recent outage data, UGI determined that if the battery had been installed it would have covered the entire outage for 22 of the 26 outages experienced on the distribution circuit between 2016 and 2020. Further, of the remaining four outages, there was only one outage where the battery would not have covered most of the outage minutes. For that one outage, the battery would have covered 54.46% of the outage duration for all impacted customers. If the battery performs as expected, it will have a significant impact on the reliability of service for the customers served off this distribution circuit. Id. Calpine believes these steps are prudent and illustrate a reasonable and cautious approach to the use of battery storage facilities by incumbent utilities. However, Calpine believes there is no basis at this point to launch a largescale series of projects when the first pilot is only getting underway and when the lessons learned from this first pilot are still more than a year away. Calpine Comments at 3.

PPL installed a 50-kilowatt (kW) battery in the Harrisburg area in 2018 and has learned several lessons from deploying and using that energy-storage system on its distribution system, including: (1) how to maintain public safety and the distribution system’s integrity; (2) how to communicate with the battery using its Advanced Distribution Management System (ADMS); (3) how to safely isolate PPL’s distribution system from the “intentional island” PPL created when using the battery to restore customers during an outage; and (4) how to protect the distribution system and the public if a fault were to occur on the “intentional island.” PPL worked with local fire departments to increase their knowledge and training in the event they are required to respond to a fire at the Harrisburg battery. PPL believes that EDCs are in the best position to work with state and local municipalities to address concerns and share knowledge on energy-storage systems. PPL’s experience with deploying and utilizing the 50-kW battery is very valuable and will enable PPL to deploy and utilize additional energy-storage systems in a safe and effective manner. PPL Comments at 4.

<sup>6</sup> UGI Comments at 8-9; Large Customer Group Comments at 4-5; Calpine Comments at 3; EAP Comments at 7-8; and PECO Comments at 5.

<sup>7</sup> PPL Comments at 4; and EAP Comments at 7-8.

Some commenters expressed that behind-the-meter (BTM) electricity-storage should be provided by customers or third-party vendors. However, the purview of this proceeding is electricity-storage on the distribution grid for the purposes of reliability and resiliency. Thus, we are not considering BTM storage in this context and will not address it in this proceeding. Regarding cost effectiveness, the Commission declines to adopt a specific cost-effectiveness test or methodology in this proceeding. EDCs may consider using electricity-storage and would need to justify the costs like any other traditional infrastructure upgrade.

#### *Conclusion*

The Commission is proposing this policy statement in accordance with its authority under Sections 501, 504, 505, 506, and 2806.1 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, and 2806.1. Based on the foregoing discussion, we will propose this Policy Statement regarding Energy-Storage Assets as set forth in Annex A; *Therefore,*

#### *It Is Ordered:*

1. That the proposed Energy Storage Asset Policy Statement set forth in Annex A is issued for comment.
2. That the Law Bureau shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.
3. That, upon receipt of a fiscal note from the Governor's Budget Office, the Secretary shall certify this Order and Annex A and the Law Bureau shall deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
4. That interested parties shall have 30 days from the date of publication of this Order and Annex A setting forth the proposed policy statement in the *Pennsylvania Bulletin* to file comments with the Secretary.
5. That interested parties shall have 45 days from the date of publication of this Order and Annex A setting forth the proposed policy statement in the *Pennsylvania Bulletin* to file reply comments with the Secretary.
6. Interested persons are encouraged to eFile comments through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.Commission.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at [http://www.Commission.pa.gov/filing\\_resources.aspx](http://www.Commission.pa.gov/filing_resources.aspx). Certain items such as confidential or proprietary material cannot be eFiled. If you do not eFile, then you are required to mail, preferable by overnight delivery, one original filing, signed and dated, with the Commission's Secretary at: Pennsylvania Public Utility Commission, Commonwealth Keystone Building 2nd Floor, 400 North Street, Harrisburg, PA 17120. Comments must reference Docket No. M-2020-3022877. All pages of filed comments, with the exception of a cover letter, must be numbered. All comments will be posted comments on the Public Utility Commission website.
7. That a copy of this Order and Annex A be filed at Docket No. M-2020-3022877 and be served upon all jurisdictional electric distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, the Pennsylvania Department of Environmental Protection, the Department of Community and Economic Development and all parties who filed comments in this docket.

8. The contact person for technical issues related to this proposed policy statement is David Edinger, Energy and Conservation Analyst, (717)-787-3512 or [dedinger@pa.gov](mailto:dedinger@pa.gov). The contact persons for legal issues are Joseph P. Cardinale, Jr., Assistant Counsel, (717)-787-5558 or [jcardinale@pa.gov](mailto:jcardinale@pa.gov); and Tiffany L. Tran, Assistant Counsel, (717)-783-5413 or [tiftran@pa.gov](mailto:tiftran@pa.gov). The contact person for regulatory issues is Karen Thorne, Regulatory Review Assistant, (717) 772-4597 or [kathorne@pa.gov](mailto:kathorne@pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: August 24, 2023

ORDER ENTERED: August 24, 2023

**Fiscal Note:** 57-342. No fiscal impact; recommends adoption.

**Joint Statement of Chairperson Gladys Brown  
Dutrieuille and Vice Chairperson  
Stephen M. DeFrank**

Before the Commission is the Proposed Policy Statement Order (Proposed Policy Statement) regarding the utilization of storage resources as electric distribution assets. Today the Commission considers issuance of this Proposed Policy Statement for comments from the electric utility industry and interested stakeholders.

Continued advancement in energy storage technology, namely batteries, has led it to become both a viable generation resource as well as a newly viable non-wires alternative for transmission and distribution planning. Because of this, the Commission commenced this very proceeding to provide electric distribution companies (EDCs) regulatory clarity on the Commission's stance regarding the use of storage in distribution system planning and management.

Electricity distribution systems are changing quickly. Distributed energy resources are interconnecting at an almost exponential pace. Electric vehicle adoption continues accelerating. Data centers are establishing themselves in various EDC territories, demanding remarkable amounts of electrical power. These factors, among others, have significantly altered the dynamics of managing the distribution grid. It is apparent that energy storage may offer EDCs a tool to better manage these new dynamics. Energy storage can provide grid stability through services such as peak demand shifting, supplemental power, restoration, and voltage support.

Therefore, we are pleased to take this next step in encouraging EDCs to utilize cost effective energy storage as a distribution resource. We look forward to reviewing stakeholder comments on this Proposed Policy Statement.

DATE: August 24, 2023

GLADYS BROWN DUTRIEUILLE,  
*Chairperson*

STEPHEN M. DeFRANK,  
*Vice Chairperson*

#### Annex A

**TITLE 52. PUBLIC UTILITIES  
PART I. PUBLIC UTILITY COMMISSION  
Subpart C. FIXED SERVICE UTILITIES  
CHAPTER 69. GENERAL ORDERS, POLICY  
STATEMENTS AND GUIDELINES ON FIXED  
UTILITIES**

*(Editor's Note:* The following sections are proposed to be added and are printed in regular type to enhance

readability. The numbering will be assigned prior to publication as a final-form statement of policy.)

### ENERGY STORAGE ASSET POLICY STATEMENT

#### § 69.XXX1. Definitions.

The following words and terms, when used in this section and § 69.XXX2 have the following meanings, unless the context clearly indicates otherwise:

*EDC—Electric distribution company*—The term has the same meaning as defined in 66 Pa.C.S. § 2803 (relating to definitions).

*Electricity-storage asset*—A resource capable of receiving electric energy from the grid and storing it for later injection of electricity back to the grid.

*Non-wires solution*—An EDC investment and operating practice that can defer or replace the need for specific transmission and/or distribution projects, at lower total resource cost, by reliably reducing transmission congestion or distribution system constraints at times of maximum demand in specific grid areas. This term is synony-

mous with “non-transmission alternative” or “NTA” which is the term used by the National Regulatory Research Institution.

#### § 69.XXX2. Electricity-storage as a distribution system asset.

The Commission acknowledges that electricity-storage assets can assist in various engineered reliability solutions. As such, the Commission recognizes that electricity-storage assets can be used by EDCs to maintain or to increase the reliability or the resilience of the electric distribution system. The Commission encourages the consideration of these assets when cost effective and proper, specifically as an alternative non-wires solution. The Commission encourages EDCs to consider electricity-storage assets as part of their system planning.

[Pa.B. Doc. No. 23-1286. Filed for public inspection September 22, 2023, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Pharmaceutical Assistance Advisory Board Meeting

The Pharmaceutical Assistance Advisory Board will hold a meeting by means of Microsoft Teams on Monday, October 2, 2023, from 10 a.m. to 11:30 a.m. The discus-

sion will be on pharmacy reimbursements. For connection information or any questions, contact Megan McDaniel, memcdaniel@pa.gov, (717) 787-7313.

JASON KAVULICH,  
*Secretary*

[Pa.B. Doc. No. 23-1287. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending September 12, 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-bnbnksbmssnspt@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>
09-05-2023	MCS Bank Milroy Mifflin County	200 North Logan Boulevard Burnham Mifflin County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
09-12-2023	Fidelity Deposit and Discount Bank Dunmore Lackawanna County	<i>To:</i> 101 South 3rd Street Easton Northampton County  <i>From:</i> 46 Centre Square Easton Northampton County	Accepted

#### 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. 23-1288. Filed for public inspection September 22, 2023, 9:00 a.m.]



## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Public Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on September 27, 2023, at 10 a.m. at the Tiadaghton Resource Management Center, 10 Lower Pine Bottom Road, Waterville, PA 17776. The public meeting may be attended by means of Microsoft Teams through a link found on the Council's web site prior to the public meeting at [www.dcnr.pa.gov/cnrac](http://www.dcnr.pa.gov/cnrac).

Questions concerning this public meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public meeting, follow the instructions on the Council's web site.

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

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 23-1289. Filed for public inspection September 22, 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 above.

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>
0923819	Joint DEP/PFBC Pesticides Permit	New	Bucks County Conserv District 1456 Ferry Road Doylestown, PA 18901-2391	Bristol Borough Bucks County	SERO
4318804	Joint DEP/PFBC Pesticides Permit	Renewal	Mercer County 24 Avalon Court Mercer, PA 16137	Fairview Township Mercer County	NWRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3215200	Major Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Homer City Generation LP 1750 Power Plant Road Homer City, PA 15748	Center Township Indiana County	NWRO
PA0022209	Major Sewage Facility with CSOs Individual NPDES Permit	DEP-Initiated Minor Amendment	Bedford Borough Municipal Authority 244 W Penn Street Bedford, PA 15522-1226	Bedford Borough Bedford County	SCRO
1015403	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Cranberry Township 2525 Rochester Road Cranberry Township, PA 16066-6420	Cranberry Township Butler County	NWRO
PA0035289	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Jones Estates Glen Lake PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900	Pine Township Mercer County	NWRO
0800402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Troy Borough 49 Elmira Street Troy, PA 16947-1230	Troy Borough Bradford County	NCRO
1793411	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Country Place MHC P.O. Box 275 Lake Hiawatha, NJ 07034-0275	Sandy Township Clearfield County	NCRO
2290401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Dauphin Borough P.O. Box 487 Dauphin, PA 17018-0487	Dauphin Borough Dauphin County	SCRO
4398409	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Jones Estates Glen Lake PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900	Pine Township Mercer County	NWRO
5701401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Davidson Township Municipal Authority 32 Michelle Road Sonestown, PA 17758-5358	Davidson Township Sullivan County	NCRO
NOEXNW107	No Exposure Certification	Renewal	Controlled Molding Inc. 3043 Perry Highway Hadley, PA 16130-1923	Perry Township Mercer County	NWRO
NOEXSE118	No Exposure Certification	Renewal	Draeger Medical System Inc. 3135 Quarry Road Telford, PA 18969-1042	West Rockhill Township Bucks County	SERO
NOEXSW022	No Exposure Certification	Renewal	Philips Respironics 174 Tech Center Drive Mount Pleasant, PA 15666-1076	Mount Pleasant Township Westmoreland County	SWRO
PAG030198	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Glaxosmithkline LLC 1250 S Collegeville Road P.O. Box 5089 Collegeville, PA 19426-2990	Upper Providence Township Montgomery County	SERO
PAG030298	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	XPO Logistics Freight Inc. 2211 Old Earhart Road Suite 100 Ann Arbor, MI 48105-2963	Concord Township Delaware 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>
PAG030299	PAG-03 NPDES General Permit for Industrial Stormwater	New	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603-1553	Bensalem Township Bucks County	SERO
PAG033772	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Mountain Ridge Metals Inc. 1517 Rt 209 Millersburg, PA 17061	Upper Paxton Township Dauphin County	SCRO
PAG034064	PAG-03 NPDES General Permit for Industrial Stormwater	New	Pkg Corp of American 1530 Fruitville Pike Lancaster, PA 17601-4006	Lancaster City Lancaster County	SCRO
PAG034066	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	XPO Logistics Freight Inc. 2211 Old Earhart Road Suite 100 Ann Arbor, MI 48105-2963	Exeter Township Berks County	SCRO
PAG036563	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	New Stanton Borough Westmoreland County	SWRO
PAG038334	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Keenes Scrap Metal LLC P.O. Box 217 Sligo, PA 16255-0217	Toby Township Clarion County	NWRO
PAG038344	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Durham School Service LP 2601 Navistar Drive Lisle, IL 60532-3661	Wattsburg Borough Erie County	NWRO
PAG038357	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	USR Holdings LLC 409 Smalls Ferry Road New Castle, PA 16102-2831	Sharon City Mercer County	NWRO
PAG038367	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Meadville Redi Mix Concrete Inc. P.O. Box 418 19824 Cochran Road Meadville, PA 16335-0418	West Mead Township Crawford County	NWRO
PAG038583	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lincoln Recycling Inc. 986 French Street Meadville, PA 16335-3582	Meadville City Crawford County	NWRO
PAG038584	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lincoln Recycling Inc. 1602 Selinger Avenue Erie, PA 16505-4526	Millcreek Township Erie County	NWRO
PAG038585	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Luxfer Magtech Inc. 955 Saxonburg Boulevard Saxonburg, PA 16056-2317	Clinton Township Butler County	NWRO
PAG038590	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	John A Carter d/b/a Mercer Auto Wreckers 748 Wilson Avenue Mercer, PA 16137-4124	Mercer Borough Mercer County	NWRO
0210402	Pump Stations Individual WQM Permit	Amendment	Aleppo Township 100 North Drive Suite 2 Sewickley, PA 15143-2383	Aleppo Township Allegheny County	SWRO
6123402	Pump Stations Individual WQM Permit	Amendment	Cornplanter Township 21 Seneca Street Oil City, PA 16301-1379	Oil City City Venango County	NWRO



<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>
08494-S	Sewer Extensions Individual WQM Permit	Transfer	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
2023405	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Susan & Tom Brown 19557 Irish Road Edinboro, PA 16412-4847	Cussewago Township Crawford County	NWRO
2523424	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Corey & Katelyn Morris 10520 Greenlee Road Waterford, PA 16441-8732	McKean Township Erie County	NWRO
4323414	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Mueller Gary 395 Vernon Road Greenville, PA 16125-9256	West Salem Township Mercer County	NWRO

**II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

*Northcentral Regional Office*

**PA0228524**, Sewage, SIC Code 4952, **Duncan Township**, 42 Duncan Township Road, Wellsboro, PA 16901-8544. Facility Name: Duncan Township WWTF. This existing facility is located in Duncan Township, **Tioga County**.

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

The receiving stream(s), Unnamed Tributary of Wilson Creek (CWF), is located in State Water Plan watershed 9-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
Dissolved Oxygen INTERIM	XXX	XXX	Report	XXX	XXX	XXX
Dissolved Oxygen FINAL	XXX	XXX	Inst Min	4.0	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	6.0	10	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	7.5	11	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Geo Mean	XXX	XXX
				Report		

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

- Solids Management
- Compliance Schedule

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

*Northcentral Regional Office*

**PA0233439**, Sewage, SIC Code 4952, **Kristina R. Kula-Wright**, 12866 Wallis Run Road, Trout Run, PA 17771-8523. Facility Name: Kristina R. Kula-Wright SRSTP. This proposed facility is located in Plunketts Creek Township, **Lycoming 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), King Run (EV (existing use)), is located in State Water Plan watershed 10-B and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 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

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

- Other Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

*Southcentral Regional Office*

**Application No. PA0294179**, Concentrated Animal Feeding Operation (CAFO), **Mark Bender (Mark Bender Farm)**, 1735 Church Road, Mifflinburg, PA 17844-7737.

Mark Bender has submitted an application for an Individual NPDES permit for a new CAFO known as Mark Bender Farm, located in West Buffalo Township, **Union County**.

The CAFO is situated near Unnamed Tributary to Buffalo Creek (CWF, MF) in Watershed 10-C, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO will be designed to maintain an animal population of approximately 321.13 animal equivalent units (AEUs) consisting of 119,000 Broiler and 3 Beef Finishers. Solid manure will be stored on a solid stacking pad and in an existing roofed solid storage shed. The operation is proposing to construct a roofed dual use solid storage. There is a liquid concrete circular storage located on the operation that is no longer in use. 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 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Northeast Regional Office*

**PA0060411 A-1**, Sewage, SIC Code 4952, **Aqua Pennsylvania Wastewater, Inc.**, 1 Aqua Way, White Haven, PA 18661-1115. Facility Name: Thornhurst WWTP. This existing facility is located in Thornhurst Township, **Lackawanna County**.

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

The receiving stream, Pond Creek (EV, MF), is located in State Water Plan watershed 2-A and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07 MGD.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Dissolved Solids	XXX	XXX	XXX	1,000 Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07 MGD.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07 MGD.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.1
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	20.0	XXX	40.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub> Minimum % Removal (%)	XXX	XXX	XXX	Report Min Mo Avg	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2.0

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

- Solids Management

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

The EPA Waiver is in effect.

Northeast Regional Office

**PA0276651**, Storm Water, SIC Code 4225, **Nestle USA—Breinigsville District Center**, 555 Nestle Way, Breinigsville, PA 18031-1518. Facility Name: Nestle USA—Breinigsville District Center. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

The receiving stream(s), Iron Run (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges

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

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0025569**, Sewage, SIC Code 4952, **Slippery Rock Municipal Authority**, P.O. Box 157, Slippery Rock, PA 16057-0157. Facility Name: Slippery Rock STP. This existing facility is located in Slippery Rock Borough, **Butler 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, the Slippery Rock Creek (CWF) and an Unnamed Tributary to the Slippery Rock Creek (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	250.0	400.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	300.0	450.0	XXX	30.0	45.0 Daily Max	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	250.0	XXX	XXX	25.0	XXX	50
May 1 - Oct 31	94.0	XXX	XXX	9.4	XXX	18.8
Total Nitrogen	XXX	Report Daily Max	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	Report Daily Max	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 1.2 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>Instantaneous Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	250.0	500.0	XXX	25.0	XXX	50.0
Total Suspended Solids	300.0	600.0	XXX	30.0	XXX	60.0



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	Report	XXX	Report	XXX	Report
Ammonia-Nitrogen	36.0	72.0	XXX	3.6	XXX	7.2
Nov 1 - Apr 30						
May 1 - Oct 31	12.0	24.0	XXX	1.2	XXX	2.4
Total Phosphorus	Report	Report	XXX	Report	XXX	Report
Barium, Total (ug/L)	Report	Report	XXX	Report	XXX	Report
Zinc, Total (ug/L)	Report	Report	XXX	Report	XXX	Report
Benzene (ug/L)	Report	Report	XXX	Report	XXX	Report
Chlorodibromomethane (ug/L)	0.0099	0.0198	XXX	0.99	XXX	1.98
1,1,2-Trichloroethane (ug/L)	0.0068	0.0136	XXX	0.68	XXX	1.36

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

- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- Emergency Outfall 002

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 not in effect.

*Northwest Regional Office*

**PA0027367**, Sewage, SIC Code 4952, **Greenville Borough Sanitary Authority**, P.O. Box 604, Greenville, PA 16125-0604. Facility Name: Greenville Sanitary Authority STP. This existing facility is located at 183 Hamburg Road, Greenville, PA 16125 in Greenville Borough, **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, the Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.0 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	XXX	XXX
			Daily Max			
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.19	XXX	0.62
			Daily Max			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	667.0	1,000.0	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	1,000.0	1,500.0	XXX	30.0	45.0	60
Total Suspended Solids	Report	XXX	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
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean	XXX	Report
				XXX		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen Nov 1 - Apr 30	700.0	XXX	XXX	21.0	XXX	42
May 1 - Oct 31	233.0	XXX	XXX	7.0	XXX	14
Total Phosphorus	33.0	XXX	XXX	1.0	XXX	2
Aluminum, Total	36.0	XXX	XXX	1.08	XXX	2.16
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Cyanide, Free	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Zinc, Dissolved	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

- Solids Management
- Whole Effluent Toxicity (WET)

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 not in effect.

*Northwest Regional Office*

**PA0034380**, Sewage, SIC Code 4952, **Quadland Corporation**, 7041 Truck World Boulevard, Hubbard, OH 44425-3254. Facility Name: Emlenton Service Plaza. This existing facility is located at Exit 43 on Interstate 80 in Scrubgrass Township, **Venango County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.09	XXX	0.30
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Nov 1 - Apr 30				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

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

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 MGD.—Limits.

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

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0 MGD.—Limits.

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

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

- Solids Management
- 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 814-332-6078.

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0093360**, Sewage, SIC Code 4952, **Lake Arthur Estates, LLC**, 2925 New Castle Road, Portersville, PA 16051-1223. Facility Name: Lake Arthur Estates MHP. This existing facility is located in Muddycreek Township, **Butler 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, the Muddy Creek (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.425 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	88.6	XXX	Daily Min XXX	25.0	XXX	50
Total Suspended Solids	106.0	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ultraviolet light intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	37.2	XXX	XXX	10.5	XXX	21
Nov 1 - Apr 30						
May 1 - Oct 31	12.4	XXX	XXX	3.5	XXX	7
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Copper, Total	120.5	XXX	XXX	0.034	XXX	0.068
Lead, Total	42.5	XXX	XXX	0.012	XXX	0.024

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

- Solids Management

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0103292**, Sewage, SIC Code 4952, **Hamilton Township**, P.O. Box 23, Ludlow, PA 16333. Facility Name: Hamilton Township Ludlow STP. This existing facility is located at 275 State Highway 6, Ludlow, PA 16333 in Hamilton Township, **McKean 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, the Twomile Run (HQ-CWF), is located in State Water Plan watershed 16-F and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Wkly Avg				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	14.5	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	17.5	XXX	XXX	30.0	XXX	60
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	11.6	XXX	XXX	20.0	XXX	40
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

- Solids Management

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

The EPA Waiver is in effect.



*Northwest Regional Office*

**PA0295264**, Sewage, SIC Code 8800, **Michael Czachowski**, 475 Stanford Road, Prospect, PA 16052-2715. Facility Name: Michael Czachowski SRSTP. This proposed facility is located in Muddycreek 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 Yellow Creek (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0265110**, Industrial, SIC Code 4941, **Stoneboro Borough Mercer County**, 59 Lake Street, Stoneboro, PA 16153-9807. Facility Name: Stoneboro Borough WTP. This existing facility is located on Steckler Road, Stoneboro, PA 16153.

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), Sawmill Run (WWF), is located in State Water Plan watershed 16-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .036 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

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*

**PA0292745**, Storm Water, SIC Code 4953, **Veolia ES Alaron, LLC**, 2138 State Route 18, Wampum, PA 16157-2926. Facility Name: Veolia ES Alaron LLC d/b/a Alaron Nuclear Services. This proposed facility is located in New Beaver Borough, **Lawrence County**.

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

The receiving stream, an Unnamed Tributary to the Beaver River (WWF), is located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

<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 Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, Total	XXX	XXX	XXX	XXX	Report	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>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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, Total	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

**PA0024902**, Sewage, SIC Code 4952, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055-5604. Facility Name: Upper Allen Township Grantham WWTP. This existing facility is located in Upper Allen Township, **Cumberland County**.

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

The receiving stream(s), Yellow Breeches Creek (CWF), is located in State Water Plan watershed 7-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	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	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	229	367	XXX	25.0	40.0	50
Nov 1 - Apr 30						
May 1 - Oct 31	183	275	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	275	413	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	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		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	201	XXX	XXX	22.0	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	18.3	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	20,091	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		
	Monthly	Annual		Monthly Average	Maximum	Instant. Maximum
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	2,679 Total Annual	XXX	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

Southcentral Regional Office

**PA0080225**, Sewage, SIC Code 4952, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503. Facility Name: Washington Township MA WWTP. This existing facility is located in Washington Township, **Franklin 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), East Branch Antietam Creek (CWF, MF), is located in State Water Plan watershed 13-C 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 1.85 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	385	615	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	460	690	XXX	30.0	45.0	60
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	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	194	XXX	XXX	12.6	XXX	25.2
Nov 1 - Apr 30						
May 1 - Oct 31	64	XXX	XXX	4.2	XXX	8.4
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX



Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Copper, Total	Total Mo Report	Report	XXX	Report	Report	XXX
Iron, Dissolved	Report	Report	XXX	Report	Daily Max Report	XXX
Zinc, Total	Report	Report	XXX	Report	Daily Max Report	XXX
Chloroform	0.38	0.6	XXX	0.0249	Daily Max 0.0388	0.0622

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs)	XXX	35,433	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	4,724	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

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

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

The EPA Waiver is not in effect.

Southcentral Regional Office

**PA0080799**, Sewage, SIC Code 4952, **Newburg Hopewell Township Authority**, P.O. Box 128, Newburg, PA 17240-0128. Facility Name: Newburg Hopewell Township STP. This existing facility is located in Hopewell Township, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	15	24	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	18	27	XXX	30	45	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
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		
Ultraviolet light intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo	10.8	XXX	XXX	18.0	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30						
May 1 - Oct 31	3.6	XXX	XXX	6.0	XXX	12
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Mo	0.9	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs)	XXX	3,380	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Annual		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	325	XXX	XXX	XXX	XXX
Total Annual		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.

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

The EPA Waiver is not in effect.

*Southcentral Regional Office*

**PA0084191**, Sewage, SIC Code 4952, **Peters Township Municipal Authority**, P.O. Box 19, Lemasters, PA 17231-0019. Facility Name: Mercersburg Junction STP. This existing facility is located in Peters Township, **Franklin 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), West Branch Conococheague Creek, is located in State Water Plan watershed 13-C and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .25 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .25 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	52	83	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	63	94	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
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
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					

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

The EPA Waiver is in effect.

*Southcentral Regional Office*

**Application No. PA0294152**, Concentrated Animal Feeding Operation (CAFO), **Bleacher Farms LLC (Bleacher Farms LLC)**, 1206 Breneman Road, Conestoga, PA 17516-9309.

Bleacher Farms LLC has submitted an application for an Individual NPDES permit for a new CAFO known as Bleacher Farms LLC, located in Manor Township, **Lancaster County**.

The CAFO is situated near Indian Run (WWF, MF) in Watershed 7-J, which is classified for Warm Water Fishes and Migratory Fishes. The CAFO will be designed to maintain an animal population of approximately 498.52 animal equivalent units (AEUs) consisting of 158,191 Layers, and 6 Beef Calf. Solid manure will be stored in two roofed manure stack sheds and liquid wash water between flocks will be stored in a circular concrete manure 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.

*Southwest Regional Office*

**PA0044431**, Sewage, SIC Code 4952, **Fairfield Manor Inc.**, P.O. Box 17039, Pittsburgh, PA 15235-0039. Facility Name: Fairfield Manor MHP STP. This existing facility is located in Fairfield Township, **Westmoreland County**.

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

The receiving stream, Unnamed Tributary to Loves Hollow (TSF), is located in State Water Plan watershed 18-D and is classified for Trout Stock Fisheries, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.5

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.17

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.03	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 4.5	XXX	9.0
Ammonia-Nitrogen	XXX	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30	XXX	XXX	XXX	2.0	XXX	4.0
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Manganese, Total	XXX	XXX	XXX	XXX	XXX	Report

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

- Requirements for Total Residual Chlorine (TRC)—A schedule for the facility to come into compliance with the final TRC limit of 0.05 mg/L is included with this permit. The facility shall be in compliance with final TRC limits within the first year of the permit duration.

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0098477**, Sewage, SIC Code 4952, **Highland Tank & Manufacturing Co.**, 1 Highland Road, Stoystown, PA 15563-6456. Facility Name: Highland Tank & Manufacturing Co. This existing facility is located in Quemahoning Township, **Somerset County**.

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

The receiving stream(s), Oven Run (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.



The proposed effluent limits for Outfall 001 are based on a design flow of .0003 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.1
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200.0 Geo Mean	XXX	XXX

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

- Requirements applicable to stormwater outfalls (002-008).

The proposed effluent limits for Outfall 002 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	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.

*Southwest Regional Office*

**PA0219240**, Sewage, SIC Code 4952, **Fortuna Wayne S**, 108 Hamilton Drive, Sewickley, PA 15143-8410. Facility Name: Wayne S Fortuna SRSTP. This existing facility is located in Bell Acres Borough, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Little Sewickley Creek (HQ-TSF), is located in State Water Plan watershed 20-G and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	Annl Avg XXX	XXX	XXX	Report Avg Mo XXX	XXX	Report
pH (S.U.)	XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6.0

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

The EPA Waiver is in effect.

Southwest Regional Office

**PA0253537**, Industrial, SIC Code 0273, **Rolling Rock Club**, P.O. Box 747, Ligonier, PA 15658-0747. Facility Name: Rolling Rock Club Trout Hatchery. This existing facility is located in Ligonier Township, **Westmoreland County**.

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

The receiving stream, Rolling Rock Creek (HQ-CWF), is located in State Water Plan watershed 18-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.216 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	10.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	20.0	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	20.0	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	3.0	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total (µg/L)	XXX	XXX	XXX	0.4	0.62	0.99

In addition, the permit contains the following major special conditions: requirement to develop and implement a Best Management Practices (BMPs) plan; requirements for solids control, material storage, maintenance, and recordkeeping; and requirements for drug and chemical usage.

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

The EPA Waiver is in effect.

Southwest Regional Office

**PA0217425**, Storm Water, SIC Code 5541 & 5812, **Pilot Travel Centers LLC**, P.O. Box 10146, Knoxville, TN 37939-0146. Facility Name: Pilot Travel Center # 348. This existing facility is located in Bentleyville Borough, **Washington 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, Pigeon Creek (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
BTEX, Total	XXX	XXX	XXX	XXX	Report	XXX
MBAS	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Quarterly</i>	<i>Maximum</i>		<i>Quarterly</i>	<i>Maximum</i>	
Flow (GPM)	Report	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
BTEX, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 201 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
BTEX, Total	XXX	XXX	XXX	XXX	Report	XXX
MBAS	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 301 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

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

#### *Northeast Regional Office*

Applicant: **Larken Associates**

Applicant Address: 1250 Route 28, Suite 101, Branchburg, NJ 08876-3389

Application Number: **PAD480190**

Application Type: New

Municipality/County: Forks Township, **Northampton County**

Project Site Name: Legacy at Sullivan Trail

Total Earth Disturbance Area (acres): 34.07 acres

Surface Waters Receiving Stormwater Discharges: Bushkill Creek (HQ-CWF, MF) & UNT to Bushkill Creek (HQ-CWF, MF)

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

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

Project Description: The project involves construction of a residential development consisting of 19 apartments consisting of 420 apartment units, 2 mixed use buildings, a recreation center/clubhouse, walking trails, playground, dog park and associated stormwater management facilities.



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: **RB Dwellings, LLC**

Applicant Address: 1011 Ridge Road, Pottstown, PA 19465

Application Number: **PAD090090**

Application Type: New

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

Project Site Name: Cooks Creek

Total Earth Disturbance Area (acres): 15.32 acres

Surface Waters Receiving Stormwater Discharges: UNT to Cooks Creek (EV)

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: 11 Lot Subdivision on existing vacant 17.19 Ac lot.

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: **Honeywell International Inc.**

Applicant Address: 6100 Philadelphia Pike, Claymont, DE 19703

Application Number: **PAD230072**

Application Type: New

Municipality/County: Marcus Hook Borough, **Delaware County**

Project Site Name: Honeywell Delaware Works

Total Earth Disturbance Area (acres): 2 acres

Surface Waters Receiving Stormwater Discharges: UNT to Delaware River (WWF, MF)

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

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

Project Description: The proposed work includes the removal and offsite disposal of onsite concrete, asphalt, dirt, dirt-stone, wood debris piles, and soil sampling. Additional excavation/post excavation sampling (as necessary) will be completed, and excavation area will be backfilled with certified clean fill and compacted. All disturbed areas will be restored with topsoil, seeding and stabilized.

Special Conditions: N/A

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

*Northeast Regional Office*

Applicant: **Blue Heron Woods Property Owners Association**

Applicant Address: P.O. Box 606, Hawley, PA 18428

Application Number: **PAD520017**

Application Type: Renewal

Municipality/County: Lackawaxen Township, Blooming Grove Township, Palmyra Township, **Pike County**

Project Site Name: Blue Heron Woods

Total Earth Disturbance Area (acres): 25.00 acres

Surface Waters Receiving Stormwater Discharges: Decker Creek (HQ-CWF, MF), Blooming Grove Creek (HQ-CWF, MF)

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

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

Project Description: 149-Lot Subdivision in Lackawaxen, Blooming Grove, and Palmyra Townships in Pike 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.

*Northwest Regional Office*

Applicant: **PA DCNR Bureau of State Parks**

Applicant Address: 400 Market Street, P.O. Box 8551, Harrisburg, PA 17105

Application Number: **PAD620005**

Application Type: New

Municipality/County: Pleasant Township, **Warren County**

Project Site Name: Chapman Dam Campsites

Total Earth Disturbance Area (acres): 3.87 acres

Surface Waters Receiving Stormwater Discharges: West Branch Tionesta 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 improvements to existing camp sites within Chapman State Park, including extending the length of camp sites and providing electric, sewer, and water service.

Special Conditions: No site-specific special conditions.

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

*Northwest Regional Office*

Applicant: **Bridging Pennsylvania Developer I LLC**

Applicant Address: 2601 Market Place, Unit 100, Harrisburg, PA 17110

Application Number: **PAD160003**

Application Type: Major Amendment

Municipality/County: Beaver Township, **Clarion County**

Project Site Name: I-80 Canoe Creek Bridges

Total Earth Disturbance Area (acres): 130 acres

Surface Waters Receiving Stormwater Discharges: Canoe Creek and UNT's Canoe 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: The project proposes the replacement of two bridge structures and the required roadway realignments necessary to align with the existing roadway. The two structures to be replaced carry both eastbound and westbound lanes of I-80 over Tippecanoe Rd. and Canoe Creek, with the 2-mi project resulting in a total of 130-ac of earth disturbance.

Special Conditions: • Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited. • The permittee shall follow the measures specified in the APR Handling Work Plan during construction. The permittee shall maintain a copy of the Plan on-site at all times during construction, train staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

*Southeast Regional Office*

Applicant: **City of Philadelphia Dept. of Aviation**

Applicant Address: 8500 Essington Ave, Philadelphia, PA 19153

Application Number: **PAD230012 A-20**

Application Type: Major Amendment

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: East Campus Stockpile Relocation

Total Earth Disturbance Area (acres): 17.63 acres

Surface Waters Receiving Stormwater Discharges: Lower Schuylkill via storm sewer (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: Relocation approx. 100,000 CY of stockpiled material from one DOA-owned parcel to another.

Special Conditions: N/A

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

*Regional Permit Coordination Office*

Applicant: **D&J Pallet Services, Inc.**

Applicant Address: P.O. Box 212, Shermans Dale, PA 17090

Application Number: **PAD500020**

Application Type: New

Municipality/County: Centre Township, **Perry County**

Project Site Name: D&J Pallet Services

Total Earth Disturbance Area (acres): 3.1 acres

Surface Waters Receiving Stormwater Discharges: Little Juniata Creek (CWF, MF)

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

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

Project Description: Construction of 17,000 square feet of manufacturing and storage buildings with associated parking and truck staging facilities. The stormwater will be handled by a single, large, shallow infiltration basin.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

*Regional Permit Coordination Office*

Applicant: **Brandon Frankhouser**

Applicant Address: 12878 Weilder Rd, Petersburg, PA 16669

Application Number: **PAD310014**

Application Type: New

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

Project Site Name: Brandon Frankhouser Ag Operation

Total Earth Disturbance Area (acres): 10.63 acres

Surface Waters Receiving Stormwater Discharges: Standing Stone Creek (HQ-CWF-MF)

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

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

Project Description: Construction of a new poultry operation inclusive of two breeder barns, egg room, compost building gravel driveway, and gravel pads. The stormwater management includes vegetative swales and a large infiltration basin.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

*Northcentral Regional Office*

Applicant: **Brian Wynn—Wynn Tec Inc.**

Applicant Address: 70 EJ Commerce Drive, Loganton, PA 17747

Application Number: **PAD180029 A-1**

Application Type: Major Amendment

Municipality/County: Green Township, **Clinton County**

Project Site Name: Wynn Development

Total Earth Disturbance Area (acres): 13.6 acres

Surface Waters Receiving Stormwater Discharges: Mill 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: A 6,400 sf commercial garage and a 15,000 sf commercial garage with parking, utilities, and stormwater managements.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

*Northeast Regional Office*

Applicant: **CRG Services Management, LLC, c/o Fred Ferraro**

Applicant Address: 300 Barr Harbor Drive, Suite 720, Conshohocken, PA 19428

Application Number: **PAD390265**

Application Type: New

Municipality/County: Lowhill Township, **Lehigh County**

Project Site Name: 2951 Betz Court Site

Total Earth Disturbance Area (acres): 28.0 acres

Surface Waters Receiving Stormwater Discharges: UNT to Jordan Creek (HQ-CWF, MF) & EV Wetlands

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

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

Project Description: Construction of one new warehouse/distribution center totaling approximately 299,880 square feet of gross floor area. Development of the site will also include construction of two access driveways, truck courts, employee parking areas, site utilities, landscaping amenities, a stormwater collection and conveyance system and other related site improvements. Access to the site will be provided through two proposed driveway connections to Betz Court.

Special Conditions: See Draft Permit for additional detail related to Riparian Buffer Implementation Requirements, Sinkholes & Potential Impacts to EV Wetlands.

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

## **STATE CONSERVATION COMMISSION**

### **PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at



the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Funk Family Farm 18255 Ft Davis Road Mercersburg, PA 17236	Franklin County	354	641.85	Swine	NA	Renewal
Hidden Acres Farms, LLC— J Kevin Rohrer 2115 Rohrer Road Manheim, PA 17545	Lancaster County	397.5	1,107.07	Swine/Beef	NA	Renewal
Zugstead Farm, Inc. 558 Freed Road Mifflintown, PA 17059	Juniata County	1,160.7	1,930.00	Dairy	NA	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

*Central Office: Safe Drinking Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-772-4477.*

*Contact: Jacob Fogarty.*

**Application No. 9996632**, Bottled Vended Bulk Retail, Public Water Supply.

Applicant	<b>Culligan Water</b>
Address	P.O. Box 160 Vincent, OH 45784
Municipality	Out of State
County	Out of State
Responsible Official	Steve Byus P.O. Box 160 Vincent, OH 45784
Application Received	August 15, 2023
Description	Application to sell Culligan Water in PA.

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

*Contact: Joseph Mattucci, Program Manager, 717-705-4931.*

**Application No. 3623533**, Construction, Public Water Supply.

Applicant	<b>Speedway # 6780</b>
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Address	2281 Beaver Valley Pike New Providence, PA 17560
Municipality	Providence Township
County	<b>Lancaster County</b>
Responsible Official	Brandie Lehman 500 Speedway Drive Enon, OH 45323
Consulting Engineer	Charles A. Kehew, II, P.E. 18 South George Street Suite 300 York, PA 17401
Application Received	July 24, 2023
Description	This project includes the installation of a new acid neutralizer, sediment filters, water softener, nitrate treatment, and UV disinfection system.

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

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

**Application No. 0223520**, Construction, Public Water Supply.

Applicant	<b>University of Pittsburgh Medical Center Children's Hospital of Pittsburgh</b>
Address	4401 Penn Avenue Pittsburgh, PA 15224
Municipality	City of Pittsburgh
County	<b>Allegheny County</b>
Responsible Official	James Majsak Senior Director of Support Services 4401 Penn Avenue Pittsburgh, PA 15224
Consulting Engineer	Allen & Shariff 22412 Perry Highway Zelienople, PA 16063
Application Received	August 23, 2023
Description	Application for the installation of a Barclay iChlor® monochloramine secondary drinking water treatment feed system at UPMC Children's Hospital of Pittsburgh.

#### WATER ALLOCATIONS

**Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

*Contact: David Sterrett, P.E., Environmental Engineer Specialist, 814-332-6846.*

**WA32-1000B**, Water Allocations. **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, White Township, **Indiana County**. Emergency

Interconnection between Indiana County Municipal Services Authority—Crooked Creek System and Pennsylvania American Water Company—Indiana System, requesting 576,000 gallons per day at the East Pike Interconnection when Indiana County Municipal Services Authority cannot meet the bypass requirements in Crooked Creek. Application received: September 5, 2023.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a 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 site(s) identified below, 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 date specified below. During this comment period the municipality may request that the individual identified below, 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 listed above 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.*

**Square One 103**, Primary Facility ID # **687445**, 158-160 South Third Street, Easton, PA 18042, City of Easton, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Lisa Dell'Alba and Brenda Rosado, P.O. Box AA, Hellertown, PA 18055, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of heating oil. The Notice of Intent to Remediate was published in *The Morning Call* on August 26, 2023. Application received: September 7, 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.*

**901 North 9th Street**, Primary Facility ID # **856326**, 901 North 9th Street, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. Stephen D. Brower, PG, Environmental Standards, 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482 on behalf of Elise Halter, Post Quaker Property Owner, LLC, 1021 North Hancock Street, Suite 1, Philadelphia, PA 19123, submitted a Notice of Intent to Remediate. Soil at the site has been found to be contaminated with solvents from past property uses. The proposed future use of the property will be mixed-used commercial and residential. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Metro* on July 26, 2023. Application received: July 31, 2023.

**1204 East Duval Street**, Primary Facility ID # **868476**, 1204 East Duval Street, Philadelphia, PA 19138, City of Philadelphia, **Philadelphia County**. Alexander Ostrobrod, Union Technical Group, P.O. Box 8123, Pelham, NY 10803 on behalf of Louis J. Mastro, HOP Energy, LLC, 625 Sawkill Road, Kingston, NY 12401, NY 12401, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with heating oil compounds. 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 *Philadelphia Tribune* on July 20, 2023. Application received: July 31, 2023.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

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

#### *New Applications Received*

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

*Contact: Jonathan Adams.*

**Advant-Edge Solutions of Middle Atlantic, Inc.**, 17 Shea Way, Newark, DE 19713. **License No. PA-AH 0937**. Accepted: July 19, 2023.

**Ziron Environmental Services, Inc.**, 302-306 E 25th Street, Chicago Heights, IL 60411. **License No. PA-AH 0938**. Accepted: July 24, 2023.

**Ecotech Hydro Excavation LLC**, 349 Buck Road, Quarryville, PA 17566. **License No. PA-AH 0941**. Accepted: July 24, 2023.

#### *Renewal Applications Received*

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

*Contact: Jonathan Adams.*

**Waste Recovery Solutions LLC**, 343 King Street, Myerstown, PA 17067. **License No. PA-AH 0683**. Accepted: September 6, 2023.

**Island Pump and Tank, LLC**, 40 Doyle Court, East Northport, NY 11731. **License No. PA-AH 0915**. Accepted: September 6, 2023.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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



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

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

### PLAN APPROVALS

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

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

*Contact: Raymond Kempa, New Source Review Chief, 570-826-2531.*

**54-00022G: Hydro Extrusion USA, LLC** 53 Pottsville Street, Cressona, PA 17929, Cressona Borough, **Schuylkill County**. Application received: April 3, 2023.

Hydro Extrusion USA, LLC has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to install equipment in order to increase the melting and casting capacity of pre and post-consumer aluminum scrap at their facility in Cressona Borough, Schuylkill County. Plan Approval No. 54-00022G is for installation of one (1) new aluminum scrap shredder, associated scrap bunkers, one (1) new 21.0 Million British thermal units per hour (MMBtu/hr) natural gas fired reverberatory melting furnace and two (2) new 7.8 (MMBtu/hr) natural gas/propane fired sow heaters to increase the melting and casting capacity of pre and post-consumer aluminum scrap. The Facility is subject to 25 Pa. Code § 123.13 for Particulate Matter (PM), 25 Pa. Code § 123.21 for Oxides of Sulfur (SO<sub>x</sub>) and 40 CFR Part 63, Subpart RRR: National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. The Facility will meet all emissions limits for the proposed melting furnace through the use of work practices rather than the use of an air pollution control devices. HAP emission increases from this equipment are not to exceed 21.76 tons/year. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this

permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 54-00022G and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

### PLAN APPROVALS

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

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

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**PA-65-00840: Eastern Gas Transmission and Storage, Inc.**, 267 McIlvaine Road, Greensburg, PA 15601, Hempfield Township, **Westmoreland County**. Application received: December 19, 2022.

Pursuant to 25 Pa. Code §§ 127.44—127.46 for intent to issue Air Quality plan approval for authorization to construct and temporarily operate sources associated with the South Oakford Compressor Station, a Title V facility in Hempfield Township, Westmoreland County.

The proposed project will add Selective Catalytic Reduction (SCR) units to each of two compressor engines, in order to achieve the presumptive RACT III requirements for each engine. The addition of the SCR will result in a reduction of NO<sub>x</sub> emissions from this existing facility.

Presumptive RACT III conditions are included in the plan approval for the other equipment at the compressor station as needed, including one natural gas-fired boiler, one glycol dehydration unit, one produced fluids tank, one parts washer, four compressors driven by the two compressor engines, one auxiliary generator, and fugitive emissions sources.

After the completion of the project, the facility will be limited to 78.5 tons/12-consecutive month period (12-cmp) of NO<sub>x</sub>, 159 tons/12-cmp of CO, 15.5 tons/12-cmp of PM<sub>10</sub>, 15.5 tons/12-cmp of PM<sub>2.5</sub>, 0.5 ton/12-cmp of SO<sub>x</sub>, 66 tons/12-cmp of VOC, 22.5 tons/12-cmp of formaldehyde, and 31.5 tons/12-cmp total HAPs.

The proposed project is subject to and has been conditioned to ensure compliance with all applicable requirements specified in Title 25 of the Pa. Code and 40 CFR Part 60 and includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. The project does not trigger the requirements of 40 CFR 52.21 related to



Prevention of Significant Deterioration (PSD), or those of 25 Pa. Code Chapter 127 Subchapter E related to Nonattainment New Source Review (NSR).

The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval for the proposed project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To schedule an appointment to review the Air Quality plan approval application or proposed Air Quality plan approval, or to receive an electronic copy of the Department's Air Quality review memorandum or the proposed Air Quality plan approval for the proposed project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000.

A person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Sheri Guerrieri, P.E., New Source Review Chief, via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; via email to shguerrieri@pa.gov; or via fax to 412.442.4194. Each protest and set of written comments must contain the name, address, and telephone number of the person submitting the protest or comments, identification of the proposed plan approval (PA-65-00840) and a concise statement of the objections to plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice).

A public hearing may be held, if the Department, in its discretion, determines that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written requests for a public hearing should be directed to Sheri Guerrieri, P.E., New Source Review Chief, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or via email to shguerrieri@pa.gov.

### OPERATING PERMITS

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

*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.*

**49-00020, Truck Accessories Group**, 3560 Housels Run Road, Milton, PA 17847, Milton Borough, **Northumberland County**. Application received: October 13, 2022. In accordance with 25 Pa. Code §§ 129.111—129.115, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT III plan and an amendment to the State Implementation Plan (SIP) for the TAG East facility located in Milton Borough, Northumberland County and owned and

operated by Truck Accessories Group, Inc. In accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to issue a permit renewal for the facility's Title V Operating Permit. The proposed permit renewal includes applicable presumptive RACT III requirements for other existing sources at the facility. The facility is located at 3560 Housel Run Road, Milton, PA 17847. The facility's representative to contact concerning this application is Mr. John Stroup, Director of Operations, phone number is 570-742-2647. The facility's major emission sources include forty-three (43) natural gas-fired space heaters, one (1) propane-fired emergency generator engine, a fiberglass reinforced plastic molding and assembly operation, a truck cap and Tonneau Cover assembly and finishing area, aluminum truck cap assembly and finishing area and three (3) solvent recovery units. The facility has the potential to emit 181.03 tons per year of volatile organic compounds (VOCs), 91.61 tpy of volatile hazardous air pollutant (VHAP) emissions, 9.97 tpy of carbon monoxide (CO), 7.26 tpy of nitrogen oxides (NO<sub>x</sub>), 0.05 tpy of sulfur oxides (SO<sub>x</sub>), 1.80 tpy of particulate matter (PM/PM<sub>10</sub>) and 10,715 tpy of carbon dioxide equivalent (CO<sub>2</sub>e). There are no changes to emission limits proposed in this Title V operating permit. The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT III approval for the facility, which are intended to satisfy the requirements for the 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The proposed amendments to the RACT III determinations, if finally approved, will be incorporated into a revised operating permit (49-00020) for the facility. The relevant RACT III requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT III determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT III requirements in accordance with 25 Pa. Code § 129.112, as they apply to existing sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record-keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. The proposed amendments to the RACT III determination that will be submitted to the EPA as a SIP revision will consist of incorporating all existing RACT II conditions into the permit to satisfy the requirements of RACT III. A public hearing will be held if requested by November 8, 2023, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on November 8, 2023, at 1:00 PM at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Megan Lehman at 570-327-3659. The last day to pre-register to speak at a hearing, if one is held, will be November 1, 2023. Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <https://www.dep.pa.gov/About/Regional/Northcentral-Regional-Office/Community-Information/Pages/default.aspx>. Please contact Megan Lehman at 570-327-3659 or monitor the Web site to determine if a hearing will be held. Persons wishing to present testimony at the hearing should contact Megan Lehman at 570-327-3659

at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Muhammad Q. Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons 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 Muhammad Q. Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. A 30-day comment period from the date of this notice 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 RACT III Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT III Plan. All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3636. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Megan Lehman at 570-327-3659 or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

#### OPERATING PERMITS

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

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

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

**60-00027, Mifflinburg Area School District**, 178 Maple St., Mifflinburg, PA 17844, Mifflinburg Borough, **Union County**. Application received: August 16, 2023. To issue a State Only Operating Permit for their campus. The campus biomass boiler is currently operating under Plan Approval 60-00027A. The facility's main sources include one 8.5 MMBtu/hr Hurst Boiler and Welding Company, Inc. model FB-1325 biomass-fired boiler, equipped with a Clarage, Inc. model MTSA-6-9CYT high efficiency multiple cyclone; one 6.0 MMBtu/hr, Hurst S2-P2-150-125W, No. 2 fuel oil-fired boiler; two 2.0 MMBtu/hr, Cleaver Brooks FLX-100-200, No. 2 fuel oil-fired boilers; one 42 kW Kohler 35RZG propane-fired emergency generator; one 100 kW Kohler 100REOZJF, diesel-fired emergency generator; two 60 kW Kohler 60REOZK, diesel-fired emergency generators. The facility has potential emissions of 8.40 TPY of CO; 14.71 TPY of NO<sub>x</sub>; 0.99 TPY of SO<sub>x</sub>; 9.21 TPY of PM/PM<sub>10</sub>; 0.77 TPY of VOCs; 0.78 TPY HAPs; 14,702 TPY GHGs. All boilers are subject to 40 CFR 63, Subpart JJJJJ,

NESHAPS for Industrial, Commercial, and Institutional Boilers Area Sources. The diesel-fired emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

*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.*

**40-00149, Bridon-Bekaert Corp**, 101 Stevens Ln, Exeter, PA 18643, Exeter Borough, **Luzerne County**. Application received: August 15, 2023. The Department intends to issue an initial State-Only Operating Permit for the operation of wire extrusion lines at their 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.

*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.*

**36-05073, Bollman Hat Co.**, 110 East Main Street, Adamstown, PA 19501, Adamstown Borough, **Lancaster County**. Application received: March 9, 2023. For the hat manufacturing operations. This is for renewal of the existing state-only permit. The subject facility's reported 2022 emissions were 1.51 tpy of VOCs, 2.31 tpy of NO<sub>x</sub>, 2.10 tpy of CO, 0.30 tpy of HAPs, 0.12 tpy of PM<sub>10</sub>, and 0.02 tpy of SO<sub>x</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. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

*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.*

**23-00110, Bryn Hill Ind Inc**, 407 Industrial Park Drive, Yeadon, PA 19050, Yeadon Borough, **Delaware County**. Application received: February 8, 2023. This action is for the renewal of a Synthetic Minor Operating Permit for Bryn Hill Industries, Inc. This facility manufactures urethane foam. The sources of emissions include a mold release process and a foam production line. The

company has an emission limit of 24.9 tons per year of VOC's. No changes to the current operating process have been proposed. There are no new changes to the renewal permit. Monitoring, record-keeping and reporting requirements have been added to the permit 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.

**46-00186, Tri-Valley Crematory**, 667 Harleysville Pike, Telford, PA 18969, Franconia Township, **Montgomery County**. Application received: February 27, 2023. This action is for the renewal of a Natural Minor Operating Permit. The Natural Minor Operating Permit was last renewed on November 20, 2018. This renewed operating permit reflects the continued operation of Source ID 101 (Crematory). The facility also operates three (3) identical air conditioning and heating systems that operate on propane. There are no other sources of emissions at this facility. The potential emissions of the permitted sources at the facility are less than 1.0 tons per year for NO<sub>x</sub>, SO<sub>x</sub>, and VOC each; 1.55 tons per year PM; and 2.37 tons per year CO. Emissions of PM from the Crematory are expected to be less than 0.08 grains per dry standard cubic feet, corrected to 7 percent O<sub>2</sub>. Emissions of SO<sub>x</sub> from the Crematory are expected to be less than 500 ppmv. The permit will continue to contain 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.

## 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.			

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

*Contact: Cassie Stanton, Clerical Assistant 2.*



**Mining Permit No. 17814000. Rob Holland Enterprises,** 52 Holland Lane, Curwensville, PA 16833, Penn Township, **Clearfield County.** Permit renewal for application for a bituminous surface coal mine permit affecting 23.8 acres. The renewal is for reclamation only. Receiving stream(s): Irish Run and Unnamed Tributaries to Irish Run classified for the following use(s): CWF. Application received: August 31, 2023. Accepted: September 5, 2023.

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

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 54900101. Blackwood, Inc.,** P.O. Box 639, Wind Gap, PA 18019, Reilly, Branch and Tremont Townships, **Schuylkill County.** Renewal of an anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation affecting 1,850.6 acres. Receiving stream: Swatara Creek, classified for the following uses: CWF, MF. Application received: September 8, 2023.

**Mining Permit No. 54900101. Blackwood, Inc.,** P.O. Box 639, Wind Gap, PA 18019, Reilly, Branch and Tremont Townships, **Schuylkill County.** Correction to update the post-mining land use from unmanaged natural habitat to cropland on 240.9 acres of the 1,850.0 acres of an anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation. Receiving stream: Swatara Creek, classified for the following uses: CWF, MF. Application received: September 8, 2023.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l

pH must always be greater than 6.0; less than 9.0.

Alkalinity must always be greater than acidity.

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

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

#### *Coal NPDES Draft Permits*

*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. PA0269042. Mining Permit No. 11120201. Robindale Energy Services, Inc.,** 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, East Taylor Township, **Cambria County.** Renewal of an NPDES permit affecting 95.5 acres related to a coal mining activity permit. Receiving stream: unnamed tributaries to Little Conemaugh River, classified for the following use: CWF. The receiving streams are included in the Kiski-Conemaugh TMDL. Application received: March 6, 2023.

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



The following outfalls discharge to unnamed tributaries to Little Conemaugh River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Stormwater	Precipitation Induced
002	Existing	Stormwater	Precipitation Induced
003	Existing	Stormwater	Precipitation Induced
004	Existing	Stormwater	Precipitation Induced

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	0.75	0.75	0.75
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

**NPDES No. PA0234699. Mining Permit No. 56980103. Wilson Creek Energy, LLC,** P.O. Box 260, Friedens, PA 15541, Jenner and Lincoln Townships, **Somerset County.** Renewal of an NPDES permit affecting 138.0 acres related to a coal mining activity permit. Receiving stream: unnamed tributary to Quemahoning Creek, classified for the following use: CWF. The receiving stream is included in the Kiski-Conemaugh TMDL. Application received: July 26, 2023.

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

The following outfalls discharge to unnamed tributary to Quemahoning Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
004	Existing	Treatment	0.069 MGD

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	0.75	1.5	1.8
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

#### *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. PA0124532. Mining Permit No. 4275SM14T. New Enterprise Stone & Lime Co., Inc.,** P.O. Box 77, New Enterprise, PA 16664, Warriors Mark and Snyder Townships, **Huntingdon and Blair Counties.** Renewal of an NPDES permit affecting 353 acres related to a noncoal mining activity permit. Receiving stream: Logan Spring Run, unnamed tributary to and Little Juniata River, classified for the following use: WWF and HQ-CWF. Application received: May 9, 2023.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The following outfalls discharge to Logan Spring Run, unnamed tributary to/and Little Juniata River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Facility	Intermittent
002	Existing	Stormwater	Intermittent
003	Existing	Stormwater	Intermittent

The proposed effluent limits for the above listed outfall(s) are as follows:

*Outfalls: 001, 002, and 003 (All Discharges)*

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	19.0	38.0	48.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report

**NPDES No. PA0262846. Mining Permit No. 56090301. New Enterprise Stone & Lime Co., Inc.,** P.O. Box 77, New Enterprise, PA 16664, Jefferson Township, **Somerset County**. Revision of an NPDES permit affecting 359 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributaries to Kooser Run, classified for the following use: HQ-CWF. Application received: May 11, 2023.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The following outfalls discharge to unnamed tributaries to Kooser Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001 (Emergency Spillway)	Existing	Stormwater	Precipitation Induced in Excess of 100-yr/24-hr Storm
002	Existing	Stormwater	Precipitation Induced
003	Existing	Stormwater	Precipitation Induced
005	Existing	Pumped Pit Water	0.22 MGD
006	Existing	Stormwater	Precipitation Induced

There will be no point source discharge from outfall 001 except for precipitation events in excess of the 100-year 24-hour storm event. All pumped groundwater and stormwater discharges from outfall 001 up to the 100-year 24-hour storm event will be handled through a non-discharge alternative in the form of an injection well.

The proposed effluent limits for the above listed outfall(s) are as follows:

*Outfall 001 (Emergency Spillway Discharge in excess of 100-yr/24-hr Storm)*

<i>Discharge Parameter</i>	<i>Limit (mg/l)</i>	<i>Measurement Frequency</i>	<i>Type</i>
Carbonaceous Biochemical Oxygen Demand (COBD <sub>5</sub> )	Monitor and Report	During discharge	Grab
Total Suspended Solids	Monitor and Report	During discharge	Grab
Ammonia (NH <sub>3</sub> -N)	Monitor and Report	During discharge	Grab
Nitrates/Nitrites (NO <sub>2</sub> /NO <sub>3</sub> -N)	Monitor and Report	During discharge	Grab
Phosphorus	Monitor and Report	During discharge	Grab
Total Residual Chlorine (TRC)	Monitor and Report	During discharge	Grab
Lead, Total	Monitor and Report	During discharge	Grab
Copper, Total	Monitor and Report	During discharge	Grab
Iron, Total	Monitor and Report	During discharge	Grab
Sulfate	Monitor and Report	During discharge	Grab
Aluminum, Total	Monitor and Report	During discharge	Grab
Total Dissolved Solids	Monitor and Report	During discharge	Grab
Zinc, Total	Monitor and Report	During discharge	Grab

Waters entering the infiltration system (I-2) for all discharges from outfall 001 must meet the following instantaneous limitations:

<i>Discharge Parameter</i>	<i>Limit (mg/l)</i>	<i>Measurement Frequency</i>	<i>Type</i>
Iron, total	7.0	During discharge	Grab
Total Suspended Solids	90.0	During discharge	Grab
pH	6.0—9.0 (S.U.)	During discharge	Measured
Flow	Report (gpm)	During discharge	Measured

*Outfalls 005 (All Discharges)*

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	20.0	40.0	50.0
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	2.0	4.0	5.0
Total Aluminum (mg/L)	XXX	0.75	1.5	1.8
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report

*Outfalls: 002, 003, and 006 (All Discharges)*

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	20.0	40.0	50.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report

*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.*

**NPDES No. PA0280518. Mining Permit No. 20910306. R. Hunter, Inc.,** 15428 Sheets Road, Guys Mills, PA 16327, Richmond Township, **Crawford County.** Renewal of an NPDES permit. Application received: July 14, 2023.

**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)).**

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

*Contact: Stephen Kardohely, Project Manager, 814-342-8216.*

**E1704223-003. City of DuBois,** 16 W. Scribner Ave, DuBois, PA 15801, City of DuBois, **Clearfield County.** U.S. Army Corps of Engineers Pittsburgh District. Application received: August 29, 2023.

The City of DuBois is applying for a Chp. 105 Small Projects permit for additions and improvements to the City Park including construction of an artificial turf softball field, pickleball court, relocate the basketball courts and construct additional parking. 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 floodplain of Sandy Lick Creek which is listed in the 25 Pa. Code Chapter 93 designation use of Trout Stocked Fishery (TSF). Latitude: 41° 7' 24.26", Longitude: -78° 45' 42.46".

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

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

**E0306223-003. Armstrong Terminal Inc.,** P.O. Box 58, Woodland, PA 16881, Gilpin Township, **Armstrong County.** U.S. Army Corps of Engineers Pittsburgh District. Application received: May 17, 2023.

To construct and maintain a new 400-foot long barge dock facility consisting of driven steel sheet piling to be installed approximately 4 feet in front of the existing steel piling with mooring rings, tiebacks, gravel backfill between the new and existing sheet piling, and an approximately 30 foot wide by 400 foot long concrete work surface along the left bank of the Allegheny River within Pool # 5. This project in part modifies the existing dock area authorized for maintenance under DEP Permit No.

E03-228 originally issued to Shenley Barge Terminal in March 1989 and transferred to Armstrong Terminal, Inc. on March 4, 1992. Latitude: 40.686445°, Longitude: -79.664151°.

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

*Contact: 717-704-4802.*

**E0603223-015. Mount Penn Borough Municipal Authority**, 200 N. 25th St., Reading, PA 19606, Lower Alsace Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: July 14, 2023.

To 1) Demolish an existing 1.0 million gallon concrete water storage tank, construct and maintain a new 1.0 million gallon concrete water storage tank, and grade and maintain the floodway of an Unnamed tributary (UNT) to Antietam Creek (CWF, MF), resulting 12,618 square feet permanent floodway impact; 2) Install and maintain a 16-foot long, 27-inch wide, 6-inch depressed RCP culvert within a UNT to Antietam Creek (CWF, MF) resulting in 16 linear feet (37 square feet) of permanent impact; 3) Install and maintain a 24-foot long, 48-inch wide, 6-inch depressed, HDPE culvert, with rubber baffles and a headwall and endwall, within a UNT to Antietam Creek (CWF, MF) resulting in 24 linear feet (96 square feet) of permanent impact; 4) Install and maintain a 12-inch water main under a UNT to Antietam Creek (CWF, MF) resulting in 2 linear feet (2 square feet) of permanent impact; 5) Install and maintain a 12-inch water main under a UNT to Antietam Creek (CWF, MF) resulting in 4 linear feet (4 square feet) of permanent impact; 6) Install and maintain an electric utility line under a UNT to Antietam Creek (CWF, MF) resulting in 2.25 linear feet of permanent impact; 7) Remove an existing pipe enclosure, resulting in 129 linear foot (517 square feet) of permanent impact to a UNT to Antietam Creek (CWF, MF); 8) Relocate, grade, and maintain 150 linear feet of a UNT to Antietam Creek (CWF, MF), resulting in 150 linear feet of permanent impact. All for the purpose of ensuring continued water quality serviced to the local community and continued site access. The project is located along Spook Lane in Lower Alsace Township, Berks County. No wetlands will be impacted by this project. Latitude: 40.340722°, Longitude: -75.887584°.

**E0503223-002. Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110, Monroe Township, **Bedford County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 28, 2023.

1) Construct and maintain a 50-foot long, 14-foot wide, single span, steel beam, timber deck bridge with reinforced 14-foot by 2-foot concrete abutments across Elk Lick Creek (HQ-CWF, MF) and in the floodway of Elk Lick Creek (HQ-CWF, MF) resulting 16 linear feet (224 square feet) of permanent stream impact and 56 square feet of permanent floodway impact (Latitude: 39.864161, Longitude: -78.474939); 2) place and maintain 14-feet by 4-feet of R-4 rock rip rap for scour protection at each abutment in the floodway of Elk Lick Creek (HQ-CWF, MF) and grade and maintain 34 linear feet (476 square feet) of the floodway of Elk Lick Creek (HQ-CWF, MF); 3) Construct and maintain a 50-foot long, 14-foot wide, single span, steel beam, timber deck bridge with reinforced 14-foot by 2-foot concrete abutments across Elk Lick Creek (HQ-CWF, MF) and in the floodway of Elk Lick Creek (HQ-CWF, MF) resulting 16 linear feet

(224 square feet) of permanent stream impact and 56 square feet of permanent floodway impact (Latitude: 39.870797, Longitude: -78.471554); 4) place and maintain 14-feet by 4-feet of R-4 rock rip rap for scour protection at each abutment in the floodway of Elk Lick Creek (HQ-CWF, MF) and grade and maintain 34 linear feet (476 square feet) of the floodway of Elk Lick Creek (HQ-CWF, MF); all for the purpose of providing safe and reliable access to inaccessible portions of State Game Lands 097. The project is located within State Game Lands 097 in Monroe Township, Bedford County. No wetlands will be impacted by this project. Latitude: 39.864161°, Longitude: -78.474939°.

**E3603123-006. PennDOT Engineering District 8-0**, 2140 Herr St., Harrisburg, PA 17103, West Cocalico Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 27, 2023.

To remove existing structure and to install and maintain a 77-foot x 30-foot bridge over Cocalico Creek (WWF, MF) with riprap scour protection, for the purpose of improving transportation safety. The project proposes to permanently impact 81 linear feet and temporarily impact 102 linear feet of stream channel. The project is located in West Cocalico Township, Lancaster County Latitude: 40.2727°, Longitude: -76.1554°.

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

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

**E4601223-018. Upper Providence Township**, 1286 Black Rock Road, Phoenixville, PA 19460, Upper Providence Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: March 15, 2023.

Demolition and removal of existing house, accessory structure, foundations, pads, slabs, walkways, driveway, and other site improvements. Backfill of disturbed areas of the property to uniform grade with adjacent undisturbed area(s) with suitable clean fill material and minimum six (6) inches of topsoil. Removal of non-native invasive plants. Preservation of existing native trees and vegetation. Restoration of disturbed areas of the property with lawn ground cover along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 946, 954, and 960 Port Providence Road, Phoenixville PA 19460, (Collegeville PA USGS Quadrangle Latitude N 40.128033, Longitude W 75.490273; Latitude N 40.128012, Longitude W 75.489833; Latitude N 40.128038, Longitude W 75.489598) in Upper Providence Township, Montgomery County.

**EA1501223-001, WV1501223-006. Brandywine Red Clay Alliance**, 1760 Unionville-Wawaset Road, West Chester, PA 19382, East Marlborough Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 31, 2023.

To restore and rehabilitate approximately 3,400 feet of Upper East Branch Red Clay Creek, Quartz Creek, and its UNT (TSF-MF) associated with the applicant's request for 105.12(a)(16) waiver to conduct stream restoration and enhancement. The proposed rehabilitation will include the following: 1) The removal of legacy sediments. 2) To improve the hydrologic, aquatic, riparian, and chemical functions of the stream. 3) Enhance riparian habitat, decrease sedimentation to downstream areas, and improve water quality. 4) Stabilize the streambanks,



create floodplain benches, and install aquatic habitat enhancement structures such as j-hooks, straight vanes, and root wads to improve the available cover for aquatic species, etc. 5) The proposed project will not increase flood elevations or adversely impact upstream, downstream, or adjoining properties and structures. 6) Temporary wetland impacts will be approximately 0.43 acre and there are no Permanent wetland impacts. The project is located about 1,500 feet northwest of Walnut and Longwood Roads (Kennett Square, PA USGS Quadrangle) in East Marlborough Township, Chester County. Latitude: 39.871101°, Longitude: -75.707997°.

#### DAM SAFETY

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

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

**D35-004EA. Bilal Baqai, Pennsylvania Department of Conservation and Natural Resources, Facility Design and Construction**, 2808 Three Mile Run Road, Perkasie, PA 18944, Plains Township, **Lackawanna County**. Applicant proposes to remove the Olyphant No. 2 Dam to eliminate a threat to public safety and to restore approximately 520 feet of stream channel to a free-flowing condition. The proposed restoration project includes full sediment removal within the limits of the impoundment and proposes grading of a pilot channel to encourage channel development in the stream's historic alignment. The project is located across Grassy Island Creek (CWF, MF) (Olyphant, PA Quadrangle, Latitude: 41.4654, Longitude: 75.5342), Latitude: 41.4654°, Longitude: -75.5342°. Application received: September 6, 2023.

**D35-001EA. Gary Gimbert, Natural Lands Trust**, 1031 Palmer Mill Road, Media, PA 19063, Glenburn Township, **Lackawanna County**. Applicant proposes to breach the Glenburn Dam to eliminate a threat to public safety and to restore approximately 2,300 feet of stream channel to a free-flowing condition. Approximately 2.5 feet of the vertical extent of the dam will remain intact to sequester sediment impounded by the dam. Some sediment will be removed to prevent downstream sediment migration. The stream bed will be gradually ramped to the new top-of-dam elevation to provide fish passage. The project is located across Ackerly Creek (TSF, MF) (Dalton, PA Quadrangle, Latitude: 41.5190, Longitude: -75.7278). Application received: April 14, 2023.

**D35-003EA. Bilal Baqai, Pennsylvania Department of Conservation and Natural Resources, Facility Design and Construction**, 2808 Three Mile Run Road, Perkasie, PA 18944, Plains Township, **Lackawanna County**. Applicant proposes to remove the Olyphant No. 3 Dam to eliminate a threat to public safety and to restore approximately 947 feet of stream channel to a free-flowing condition. The proposed restoration project includes full sediment removal within the limits of the impoundment and proposes grading of a pilot channel to encourage channel development in the stream's historic alignment. The project is located across Grassy Island Creek (CWF, MF) (Olyphant, PA Quadrangle, Latitude: 41.4654, Longitude: -75.5342). Application received: September 6, 2023.

#### EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP Regional Office listed above the application within 30-days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this 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).

#### Applications Received Under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

*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 # ESP07302300100E  
 Applicant Name **CNX Gas Co**  
 Contact Person Kevin Quinn, kevinquinn@CNX.com  
 Address 1000 Horizon Vue Drive  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Richhill Township  
 County **Greene County**  
 Receiving Stream(s) and Classification(s) UNT Dunkard Fork. Non-SP.  
 Application received: August 30, 2023

## ACTIONS

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

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at [www.dep.pa.gov/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>
PA0088846	CAFO Individual NPDES Permit	Issued	Wenger Farms Pork Products Network LLC 101 W Harrisburg Avenue Box 26 Rheems, PA 17570	Oliver Township Perry County	SCRO
PAD140099	Chapter 102 Individual NPDES Permit	Issued	Landpro Equip 1756 Lindquist Drive Falconer, NY 14733-9710	Potter Township Centre County	NCRO
PAD160003	Chapter 102 Individual NPDES Permit	Issued	Bridging Pennsylvania Development I LLC 2550 Oakland Avenue Indiana, PA 15701-3388	Beaver Township Clarion County	NWRO
PAD160006	Chapter 102 Individual NPDES Permit	Issued	Columbia Gas of PA, Inc. 4000 Energy Drive Bridgeville, PA 15017-2561	Beaver Township Clarion County	NWRO
PAD330009	Chapter 102 Individual NPDES Permit	Issued	National Fuel Gas Distr Corp 1100 State Street Erie, PA 16501-1912	Barnett Township Heath Township Jefferson County	NWRO
PAD390093	Chapter 102 Individual NPDES Permit	Issued	Big Bear Management Fund P.O. Box 8 7475 Hamilton Boulevard Trexlerstown, PA 18087-0008	Lower Macungie Township Lehigh County	NERO
PAD450045	Chapter 102 Individual NPDES Permit	Issued	Poconos Hospitality LLC 590 NY-211 Middletown, NY 10941	Pocono Township Monroe County	NERO
PAD450070	Chapter 102 Individual NPDES Permit	Issued	Pocono Manor Investors LP P.O. Box 38 Pocono Manor, PA 18349-0038	Tobyhanna Township Monroe County	NERO
PAD510225	Chapter 102 Individual NPDES Permit	Issued	Alliance 51st St LLC 40 Morris Avenue Suite 230 Bryn Mawr, PA 19010-3300	Philadelphia City Philadelphia County	SERO
PAD540032	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 1639 Church Road Allentown, PA 18104-9342	Butler Township Schuylkill County	NERO
PAD570002	Chapter 102 Individual NPDES Permit	Issued	Bagley James W 602 Ellis Road Forks ville, PA 18616-8846	Elkland Township Sullivan County	NCRO
PAD590015	Chapter 102 Individual NPDES Permit	Issued	Watrous Water Association Inc. 2430 Elk Run Road Gaines, PA 16921-9540	Gaines Township Tioga County	NCRO
PAD600011	Chapter 102 Individual NPDES Permit	Issued	Martin Floyd L 1265 Cold Run Road Millmont, PA 17845-9117	Lewis Township Union County	NCRO
0923819	Joint DEP/PFBC Pesticides Permit	Issued	Bucks County Conserv District 1456 Ferry Road Doylestown, PA 18901-2391	Bristol Borough Bucks County	SERO
4318804	Joint DEP/PFBC Pesticides Permit	Issued	Mercer County 24 Avalon Court Mercer, PA 16137	Fairview Township Mercer County	NWRO
PAI136151	MS4 Individual NPDES Permit	Issued	Municipal of Monroeville 2700 Monroeville Boulevard Monroeville, PA 15146	Monroeville Borough 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>
467S032	Major Sewage Treatment Facility Individual WQM Permit	Issued	Mon Valley Sewer Authority 20 S Washington Street Donora, PA 15033-1394	Carroll Township Washington County	SWRO
6008403	Major Sewage Treatment Facility Individual WQM Permit	Issued	Gregg Township Municipal Authority 16436 US Route 15 Allenwood, PA 17810-9137	Gregg Township Union County	NCRO
PA0204935	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Charles J Merlo Inc. 234 Merlo Road Mineral Point, PA 15942-5703	Cambria Township Cambria County	SWRO
PA0101737	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Wilderness MHP LLC 100 Mountain Laurel Vlg Spring Brook Township, PA 18444-6373	Pleasant Township Warren County	NWRO
PA0057011	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010-3402	Thornbury Township Chester County	SERO
PA0114715	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Hemlock Municipal Sewer Cooperative P.O. Box 243 Bloomsburg, PA 17815-0243	Hemlock Township Columbia County	NCRO
1198201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Charles J Merlo Inc. 234 Merlo Road Mineral Point, PA 15942-5703	Cambria Township Cambria County	SWRO
0695404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Bally Borough 425 Chestnut Street Bally, PA 19503-9614	Bally Borough Berks County	SCRO
3294401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Central Indiana County Joint Sewer Authority 603 S Main Street P.O. Box 7 Homer City, PA 15748-1615	Center Township Indiana County	NWRO
6110402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Rouseville Borough P.O. Box 317 Rouseville, PA 16344-0317	Cornplanter Township Venango County	NWRO
6274403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Wilderness MHP LLC 100 Mountain Laurel Vlg Spring Brook Township, PA 18444-6373	Pleasant Township Warren County	NWRO
NOEXNE006	No Exposure Certification	Issued	Quality Carriers Inc. 102 Pickering Way Suite 105 Exton, PA 19341-1330	Scranton City Lackawanna County	NERO
NOEXNE052	No Exposure Certification	Issued	Advanced Recycling Tech 5060 Commerce Park Circle Pensacola, FL 32505-1869	Whitehall Township Lehigh County	NERO



## 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>
NOEXNW048	No Exposure Certification	Issued	Rebeo Inc. 650 Brandy Camp Road Kersey, PA 15846-1904	Fox Township Elk County	NWRO
NOEXNW055	No Exposure Certification	Issued	Parker Hannifin Corp 201 Titusville Road Union City, PA 16438-8601	Union City Borough Erie County	NWRO
NOEXNW089	No Exposure Certification	Issued	Plastek Ind Inc. 2425 W 23rd Street Erie, PA 16506-2920	Millcreek Township Erie County	NWRO
NOEXNW090	No Exposure Certification	Issued	Plastek Ind Inc. 2425 W 23rd Street Erie, PA 16506-2920	Erie City Erie County	NWRO
NOEXNW093	No Exposure Certification	Issued	Plastek Ind Inc. 2425 W 23rd Street Erie, PA 16506-2920	Millcreek Township Erie County	NWRO
NOEXSE083	No Exposure Certification	Issued	Zeks Compressed Air Solutions 1302 Goshen Parkway West Chester, PA 19380-5985	West Goshen Township Chester County	SERO
NOEXSE118	No Exposure Certification	Issued	Draeger Medical System Inc. 3135 Quarry Road Telford, PA 18969-1042	West Rockhill Township Bucks County	SERO
PAG030005	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Marine Lubricants Inc. 4700 Basin Bridge Road Philadelphia, PA 19112-1610	Philadelphia City Philadelphia County	SERO
PAG030012	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Harrys U Pull It 2557 Geryville Pike Pennsburg, PA 18073-2202	Upper Hanover Township Montgomery County	SERO
PAG030121	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108-0842	Philadelphia City Philadelphia County	SERO
PAG030164	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Coopers Creek Chemicals Corp 884 River Road W Conshohocken, PA 19428-2699	Upper Merion Township Montgomery County	SERO
PAG030180	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Telford Auto Parts LLC 2010 Ridge Road Telford, PA 18969-1614	Upper Salford Township Montgomery County	SERO
PAG030250	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SEPTA 1234 Market Street 6th Floor Philadelphia, PA 19107	Conshohocken Borough Montgomery County	SERO
PAG032228	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Republic Service of New Jersey LLC 1200 N Irving Street Allentown, PA 18109-3321	Allentown City Lehigh County	NERO
PAG032236	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Tredegear Film Products Inc. 30 Maple Avenue Pottsville, PA 17901-9137	Norwegian Township Schuylkill County	NERO
PAG032340	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ringtown Wilbert Vault Works Inc. P.O. Box 215 Ringtown, PA 17967-0215	Ringtown Borough Schuylkill County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG032373	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Alleima USA LLC 982 Griffin Pond Road South Abington Township, PA 18411-9214	Scott Township Lackawanna County	NERO
PAG032382	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	International Paper Co. 533 Forest Road Hazleton, PA 18202	Hazle Township Luzerne County	NERO
PAG032397	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mactac 802 E Corey Street Scranton, PA 18505-3515	Moosic Borough Lackawanna County	NERO
PAG032404	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Deer Park Lumber Inc. 3042 SR 6 Tunkhannock, PA 18657-7797	Tunkhannock Township Wyoming County	NERO
PAG033532	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Big Valley Concrete 629 E Rolling Ridge Drive Bellefonte, PA 16823-8135	Brady Township Huntingdon County	SCRO
PAG033556	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Boose Quality Castings 402 Schaeffer Road Lebanon, PA 17042	South Lebanon Township Lebanon County	SCRO
PAG033712	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mifflin County Solid Waste Authority P.O. Box 390 Lewistown, PA 17044-0390	Derry Township Mifflin County	SCRO
PAG033737	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Danzer Lumber North American Inc. P.O. Box 111 22510 Croghan Pike Shade Gap, PA 17255-0111	Dublin Township Huntingdon County	SCRO
PAG033832	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Arkema Inc. 1112 Lincoln Road Birdsboro, PA 19508-1804	Exeter Township Berks County	SCRO
PAG033933	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Graham Recycling Co. LP 505 Windsor Street York, PA 17403-1054	Spring Garden Township York County	SCRO
PAG033945	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Chambersburg Borough Franklin County	SCRO
PAG034828	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	St Engineering Hackney Inc. 914 Saegers Station Road Montgomery, PA 17752-8501	Montgomery Borough Lycoming County	NCRO
PAG034852	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Patriot Metal Products 1005 N Vine Street Berwick, PA 18603-2026	Berwick Borough Columbia County	NCRO
PAG034921	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Auwarter Auto Salvage Inc. 742 N Williamson Road Covington, PA 16917-9427	Covington Township Tioga County	NCRO
PAG034934	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Forum US Inc. 1102 Industrial Park Road Clearfield, PA 16830-6020	Clearfield Borough Clearfield County	NCRO

## 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>
PAG034935	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oak Hill Veneer Inc. P.O. Box 304 Troy, PA 16947-0304	Troy Township Bradford County	NCRO
PAG034950	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Staiman Recycling Hanover 201 Hepburn Street Williamsport, PA 17701-6501	Williamsport City Lycoming County	NCRO
PAG034962	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	M & B Redi Mix Inc. d/b/a Dubrook 15303 Route 322 Clarion, PA 16214-6265	DuBois City Clearfield County	NCRO
PAG036173	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Henwil Corp 899 Third Street Newell, PA 15466	Newell Borough Fayette County	SWRO
PAG036199	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Heidelberg Materials NE LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Braddock Borough Allegheny County	SWRO
PAG036243	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Boyd Roll Off Service Inc. 1107 Thompson Avenue McKees Rocks, PA 15136	McKees Rocks Borough Allegheny County	SWRO
PAG036363	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Szuch Jerry S 176 Flaugherty Run Road Coraopolis, PA 15108-9790	Moon Township Allegheny County	SWRO
PAG036384	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ridc SW PA 611 William Penn Place Suite 600 Pittsburgh, PA 15219-6901	East Pittsburgh Borough Allegheny County	SWRO
PAG036388	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Josh Steel Co. Inc. 46 6th Street Braddock, PA 15104-1948	Braddock Borough Allegheny County	SWRO
PAG036401	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Allegheny County Airport Authority Pgh Int Airport Landside Term 4th Floor Mezz P.O. Box 12370 Pittsburgh, PA 15231-0370	West Mifflin Borough Allegheny County	SWRO
PAG036442	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Perryman Co. 2045 W Pike Street Houston, PA 15342-1000	Chartiers Township Washington County	SWRO
PAG036548	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sandvik Mining & Const USA LLC P.O. Box 282 6701 National Pike Brier Hill, PA 15415-0282	Redstone Township Fayette County	SWRO
PAG036549	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Adv Pultrusions LLC dba Liberty Pultrusions 1575 Lebanon School Road West Mifflin, PA 15122-3433	West Mifflin Borough Allegheny County	SWRO
PAG133717	PAG-13 NPDES General Permit for MS4s	Waived	PA Department of Corrections Camp Hill State Correctional Institution 2500 Lisburn Road P.O. Box 598 Camp Hill, PA 17011-8005	Lower Allen Township Cumberland 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>
PAG134832	PAG-13 NPDES General Permit for MS4s	Waived	South Centre Township 6260 4th Street Bloomsburg, PA 17815-8731	South Centre Township Columbia County	NCRO
PAG136262	PAG-13 NPDES General Permit for MS4s	Waived	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	Waived	Stowe Township 555 Broadway Avenue McKees Rocks, PA 15136-3027	Stowe Township Allegheny County	SWRO
PAG136379	PAG-13 NPDES General Permit for MS4s	Waived	Centerville Borough 100 East End Road Brownsville, PA 15417	Centerville Borough Washington County	SWRO
1023410	Pump Stations Individual WQM Permit	Issued	Cranberry Township 2525 Rochester Road Cranberry Township, PA 16066-6420	Cranberry Township Butler County	NWRO
4800402	Pump Stations Individual WQM Permit	Issued	Lower Saucon Township 3706 Old Philadelphia Pike Bethlehem, PA 18015-5426	Lower Saucon Township Northampton County	NERO
2223401	Sewer Extensions Individual WQM Permit	Issued	Lower Paxton Township Authority 425 Prince Street Suite 139 Harrisburg, PA 17109	Lower Paxton Township Dauphin County	SCRO
PA0233404	Single Residence STP Individual NPDES Permit	Issued	White Lazarus 7415 Chestnut Street Great Falls, MT 59405-8614	Woodward Township Lycoming County	NCRO
PA0239534	Single Residence STP Individual NPDES Permit	Issued	Hecei Debra L 20545 Route 6 Warren, PA 16365-3685	Glade Township Warren County	NWRO
PA0245518	Single Residence STP Individual NPDES Permit	Issued	Walker Barry 201 Little Road Perkiomenville, PA 18074	New Hanover Township Montgomery County	SERO
PA0271489	Single Residence STP Individual NPDES Permit	Issued	Anzaldi David 125 Old Route 68 Evans City, PA 16033-7613	Licking Township Clarion County	NWRO
PA0292923	Single Residence STP Individual NPDES Permit	Issued	Dickerson William 5833 Cassady Road Hermitage, PA 16148-6418	Hermitage City Mercer County	NWRO
PA0293059	Single Residence STP Individual NPDES Permit	Issued	Blosser Ronald 5925 Firman Road Erie, PA 16510-4513	Harborcreek Township Erie County	NWRO
PA0293288	Single Residence STP Individual NPDES Permit	Issued	Alan and Elaine Hemstreet 9089 Griffey Road Albion, PA 16401-7905	Conneaut Township Erie County	NWRO
PA0294071	Single Residence STP Individual NPDES Permit	Issued	Rhodes Kenneth A Jr 150 Mink Hollow Road Coasterville, PA 19320	Lincoln Township Huntingdon County	SCRO
2523409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Blosser Ronald 5925 Firman Road Erie, PA 16510-4513	Harborcreek Township Erie County	NWRO
2523417	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Alan and Elaine Hemstreet 9089 Griffey Road Albion, PA 16401-7905	Conneaut Township Erie County	NWRO
3123401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Rhodes Kenneth A Jr 150 Mink Hollow Road Coasterville, PA 19320	Lincoln Township Huntingdon County	SCRO



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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>
4123401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	White Lazarus 7415 Chestnut Street Great Falls, MT 59405-8614	Woodward Township Lycoming County	NCRO
4323404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Dickerson William 5833 Cassady Road Hermitage, PA 16148-6418	Hermitage City Mercer County	NWRO
4623404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Walker Barry 201 Little Road Perkiomenville, PA 18074	New Hanover Township Montgomery County	SERO
PA0294144	Small Flow Treatment Facility Individual NPDES Permit	Issued	Knaub Marlin 802 Old Quaker Road Lewisberry, PA 17339-9207	Fairview Township York County	SCRO
6723406	Small Flow Treatment Facility Individual WQM Permit	Issued	Knaub Marlin 802 Old Quaker Road Lewisberry, PA 17339-9207	Fairview Township York County	SCRO
WQG02152209	WQG-02 WQM General Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	East Whiteland Township Chester County	SERO

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


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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC350162	PAG-02 General Permit	Issued	M5 Car Wash, LLC 16 Radcliffe Drive Moosic, PA 18507	Dickson City Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@pa.gov
PAC680052	PAG-02 General Permit	Issued	PA DEP Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15931	Knox Township and Washington Township Clarion County	DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800
PAC150100	PAG-02 General Permit	Issued	The Rubenstein Company, L.P. 2929 Arch Street 28th Floor Philadelphia, PA 19104	West Whiteland Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@pa.gov
PAC150350	PAG-02 General Permit	Issued	Rotelle Development Company 1011 Ridge Road South Coventry, PA 19465	West Vincent Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 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>
PAC150342	PAG-02 General Permit	Issued	Kennett Consolidated School District 300 East South Street Kennett Square, PA 19348	New Garden Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150343	PAG-02 General Permit	Issued	Beacon of South Coatesville, LLC 24 Buckingham Way Freehold, NJ 00728	South Coatesville Borough Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150349	PAG-02 General Permit	Issued	Bob Roche 637 Goshen Road West Chester, PA 19380	East Fallowfield Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC090621	PAG-02 General Permit	Issued	Warrington Township 852 Easton Road Warrington, PA 18976	Warrington Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090641	PAG-02 General Permit	Issued	East Tyburn Road, LLC 149 Newbold Road Fairless Hills, PA 19030-4309	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090610	PAG-02 General Permit	Issued	RMJ Ventures LLC 2526 N. Broad Street Colmar, PA 18915-9772	Richland Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090592	PAG-02 General Permit	Issued	Rendezvous Farm, LLC 210 Green Top Road Sellersville, PA 18960-1227	Tinicum Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215.345.7577 RA-EPNPDES_SERO@ 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>
PAC480168	PAG-02 General Permit	Issued	Chester Franklin Group, LLC 664 Northampton St. Suite 200 Easton, PA 18042-7490	City of Easton Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC250196	PAG-02 General Permit	Issued	Conneaut Township 12500 Route 6N Albion, PA 16401	Conneaut Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC330044	PAG-02 General Permit	Issued	Corbet Construction LLC 99 Treasure Lake Dubois, PA 15801	Brookville Borough Jefferson County	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
PAC030034A1	PAG-02 General Permit	Issued	South Buffalo Township 167 Northpointe Boulevard Freeport, PA 16229	South Buffalo Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC200099	PAG-02 General Permit	Issued	National Fuel Gas Distribution Corporation 1100 State Street Erie, PA 16501	Woodcock Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC100302	PAG-02 General Permit	Issued	234 Harmony LP 4041 Liberty Avenue Pittsburgh, PA 15224	Jackson Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100305	PAG-02 General Permit	Issued	Rocky Bleier Construction Group 100 West Main Street Suite 100 Carnegie, PA 15106	Butler Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC620008	PAG-02 General Permit	Issued	United Refining Company 15 Bradley Street Warren, PA 16365	City of Warren Washington County	Warren County Conservation District 4000 Conewango Avenue Warren, PA 16365 814-726-1441
PAC460136	PAG-02 General Permit	Issued	Pulte Homes of PA Limited Partnership 1210 Northbrook Drive Suite 260 Trevose, PA 19053	Horsham Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 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>
PAC460642	PAG-02 General Permit	Issued	Alliance HSP Virginia Drive LLC 40 Morris Avenue Suite 230 Bryn Mawr, PA 19010	Upper Dublin Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460826	PAG-02 General Permit	Issued	Upper Dublin Township 801 Loch Alsh Avenue Fort Washington, PA 19034-2619	Plymouth Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC680051	PAG-02 General Permit	Issued	PA DEP Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15905	Brady Township Butler County	DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800
PAC660035	PAG-02 General Permit	Issued	Tunkhannock Rehabilitation and Healthcare Center, LLC 410 Biden St. Scranton, PA 18503	Tunkhannock Borough Wyoming County	Wyoming County Conservation District 6052 SR 6 Tunkhannock, PA 18657 570-836-2589 RA-EPWW-NERO@ pa.gov
PAC660036	PAG-02 General Permit	Issued	Williams Solar Holdco, LLC 2000 Commerce Drive Pittsburgh, PA 15275	Clinton Township Wyoming County	Wyoming County Conservation District 6052 SR 6 Tunkhannock, PA 18657 570-836-2589 RA-EPWW-NERO@ pa.gov
PAC510298	PAG-02 General Permit	Issued	Heller Development, LLC 209 Leedom Street 2nd Floor Jenkintown, PA 19046-3263	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC590057	PAG-02 General Permit	Issued	Hume Land Development 89 Niles Road Wellsboro, PA 16901	Charleston Township Tioga County	Tioga County Conservation District 1867 Shumway Hill Road Wellsboro, PA 16901 570-724-1801
PAC080074	PAG-02 General Permit	Issued	Floyd Isbell 788 Slater Hill Road Ulster, PA 18850	Burlington Township Bradford County	Bradford County Conservation District 200 Lake Rd Ste E Towanda, PA 18848 570-265-5539
PAC600106	PAG-02 General Permit	Issued	Fairfield Prospects Corp (Kevin Baker) 60 Pik Rite Lane Lewisburg, PA 17837	Buffalo Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860



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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>
PAC440031	PAG-02 General Permit	Issued	James Schmidt 1322 Creamery Road Clifford, PA 18407	Brown Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC220037A-2	PAG-02 General Permit	Issued	H-T Partners P.O. Box 277 Landisville, PA 17538	Middletown Borough Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220352	PAG-02 General Permit	Issued	Hanover Logistics, LLC 201 Iron Valley Drive Lebanon, PA 17042	East Hanover Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220110A-1	PAG-02 General Permit	Issued	Vistablock 150 Farmington Lane Lancaster, PA 17601	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220050A-1	PAG-02 General Permit	Issued	Phoenix Contact 586 Fulling Mill Road Middletown, PA 17057	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220369A-1	PAG-02 General Permit	Issued	Centurion Construction Group, LLC 516 Industrial Drive Lewisberry, PA 17339	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC360868	PAG-02 General Permit	Issued	Lancaster Conservancy 117 S. West End Avenue Lancaster, PA 17603	Martic Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360256A-1	PAG-02 General Permit	Issued	John King 826 Strasburg Pike Strasburg, PA 17579	West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC380286	PAG-02 General Permit	Issued	Rigidply Rafters Properties, LLC 701 East Linden Street Richland, PA 17087	Richland Borough Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275
PAC380288	PAG-02 General Permit	Issued	Samuel R. Musser Revocable Living Trust 1525 King Street Lebanon, PA 17042	South Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275

**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>
R&F Family Farms— Andrew Reitz 214 Cedar Road Paxinos, PA 17872	Northumberland County	17.9	1,865.40	Swine	NA	Approved
Joe Jurgielewicz & Son Ltd.—Sunbury Farm 1016 Plum Creek Road Sunbury, PA 17801	Northumberland County	86.07	109.10	Ducks	NA	Approved
Will-O-Bett Farm 137 Bomboy Lane Berwick, PA 18603	Luzerne County	102.4	774.40	Swine Cattle	NA	Approved
Reinholds Pig Farm, LLC—Evan Augsburg 700 Swamp Church Road Reinholds, PA 17569	Lancaster County	22.5	715.66	Swine	NA	Approved
Noah W. Kreider & Sons, LLP—Milton Grove Farm 2036 Mount Pleasant Road Mount Joy, PA 17552	Lancaster County	151.7	3,611	Layers	NA	Approved
Star Rock Dairy Inc. 175 Chestnut Grove Road Conestoga, PA 17516	Lancaster County	311	3,401.17	Dairy	NA	Approved
Joe Burkholder 1440 Division Highway Ephrata, PA 17522	Lancaster County	88	351.61	Swine Steers	NA	Approved
Meadow Vista Dairy, LLC 166 Risser Road Bainbridge, PA 17502	Lancaster County	723.3	1,409.3	Dairy	NA	Approved
Meadow Lane Dairy, LLC—Geoffrey Rohrer 3392 Blue Rock Road Lancaster, PA 17603	Lancaster County	809	1,287.71	Dairy Broilers	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

*Contact: Nadera Bair, Clerk II, 570-327-0551.*

**Construction Permit No. 1923502**, Major Amendment, Public Water Supply.

Applicant	<b>Nicholas Wolff Foundation Inc.</b>
Address	58 Camp Victory Road Millville, PA 17846
Municipality	Greenwood Township
County	<b>Columbia County</b>
Consulting Engineer	Peter J Jusardi 225 Gradview Avenue Suite 403 Camp Hill, PA 17011
Application Received	May 9, 2023
Permit Issued	September 12, 2023

Description	This permit grants permission to upgrade the existing Camp Victory Water System, including the addition of an AdEdge AD26 filtration system for iron and manganese removal.
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*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. 3390965**, Public Water Supply.

Applicant	<b>Northwestern Lehigh School District Northwestern Lehigh Middle School</b>
Address	6636 Northwest Rd. New Tripoli, PA 18066-2038
Municipality	Heidelberg Township
County	<b>Lehigh County</b>
Consulting Engineer	Mr. Charles Myers, P.E. Operations Manager Municipal Barry Isett & Associates, Inc. 85 S Rt 100 Allentown, PA 18106

Application Received August 21, 2023

Permit Issued August 24, 2023

Description	Operations Permit for replacing the submersible well pump in-kind (35 gallons per minute (gpm)) with no increase in capacity; installing sedimentation filtration (ATS BF-E-2 Bag Filter (or equal) rated at 100 gpm); replacing the water treatment facilities in-kind for disinfection (with 20 minutes of effective contact time (CT)) and corrosion control treatment (CCT) (pH adjustment via 25 or 50% caustic soda) per the Department's Lead and Copper Rule (LCR); installing two (2) chlorine contact tanks (1,250 gallons each with a minimum volume of 2,330 gallons) plumbed in the bottom out the top for 20 minutes of effective contact time; two (2) finished water storage tanks (1,250 gallons each); a 10 HP triplex booster pump system (100 gpm at 90 psi) with variable frequency drive (VFD); and a 44-gallon hydro-pneumatic tank.
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**Operation Permit No. 3540036**, Public Water Supply.

Applicant	<b>Citizen's Water Association of Deer Lake</b>
Address	238B Lake Front Drive Orwigsburg, PA 17961
Municipality	Deer Lake Borough
County	<b>Schuylkill County</b>

Consulting Engineer Ms. Jennifer Kowalonek, P.E.  
Environmental Group Manager  
Alfred Benesch & Company  
400 One Norwegian Plaza  
Pottsville, PA 17901

Application Received August 9, 2023

Permit Issued September 6, 2023

Description Operations Permit for CCT  
facilities per the Lead and  
Copper Rule.

**Operation Permit No. 2400076-E1**, Public Water  
Supply.

Applicant **Veolia Water Pennsylvania,  
Inc.**

Address 6310 Allentown Boulevard  
Suite 104  
Allentown, PA 17112

Municipality Dallas Township

County **Luzerne County**

Application Received August 1, 2023

Permit Issued September 1, 2023

Description Emergency Operations Permit  
for the replacement of the  
Snyder Well Pump in-kind and  
the installation of a VFD.

**Construction Permit No. 4022514MA**, Minor Amend-  
ment, Public Water Supply.

Applicant **CAN DO, Inc.**

Address 1 South Church Street  
Hazleton, PA 18201

Municipality Hazle Township

County **Luzerne County**

Consulting Engineer Eric Moore, P.E.  
Entech Engineering, Inc.  
239 South Mountain Blvd  
Mountain Top, PA 18707

Application Received November 20, 2022

Permit Issued August 4, 2023

Description Well Nos. 3, 8 and 9 Chlorine  
Contact Segments

**Construction Permit No. 5423502MA**, Minor Amend-  
ment, Public Water Supply.

Applicant **Schuylkill County  
Municipal Authority**

Address 221 S. Centre Street  
Pottsville, PA 17901

Municipality New Castle Township

County **Schuylkill County**

Consulting Engineer Michael T. Brown, P.E.  
Gannett Fleming, Inc.  
207 Senate Ave.  
Camp Hill, PA 17011-2316

Application Received February 22, 2023

Permit Issued June 26, 2023

Description Broad Mountain Water Storage  
Tank No. 2

**Construction Permit No. 4523502MA**, Minor Amend-  
ment, Public Water Supply.

Applicant **Brodhead Creek Regional  
Authority**

Address 410 Mill Creek Road  
East Stroudsburg, PA 18301

Municipality Pocono Township

County **Monroe County**

Consulting Engineer Michael J. McCarey, P.E.  
Carroll Engineering Corporation  
949 Easton Road  
Warrington, PA 18976

Application Received March 3, 2023

Permit Issued July 12, 2023

Description Pocono Auxiliary Storage Tank

**Construction Permit No. 3923501MA**, Minor Amend-  
ment, Public Water Supply.

Applicant **Upper Saucon Township**

Address 5500 Camp Meeting Road  
Center Valley, PA 18034

Municipality Upper Saucon Township

County **Lehigh County**

Consulting Engineer J. Bradley Youst, P.E.  
Hanover Engineering Associates,  
Inc.  
252 Brodhead Road  
Suite 100  
Bethlehem, PA 18017

Application Received January 6, 2023

Permit Issued April 24, 2023

Description Landis Mill Road Pressure  
Reducing Valve (PRV) Station

**Construction Permit No. 3923505MA**, Minor Amend-  
ment, Public Water Supply.

Applicant **Lehigh County Authority**

Address 1300 Martin Luther King Jr.  
Drive  
Allentown, PA 18102

Municipality City of Allentown

County **Lehigh County**

Consulting Engineer Jeffrey M. Naumick, P.E.  
Hazen and Sawyer, P.C.  
One South Broad Street  
Suite 900  
Philadelphia, PA 19107

Application Received April 13, 2023

Permit Issued August 22, 2023

Description Rehabilitation of Filter Nos. 1—8

**Construction Permit No. 6423505MA**, Minor Amend-  
ment, Public Water Supply.

Applicant **Paupack Point Water  
Association, Inc.**

Address 10 James Drive  
Telford, PA 18969

Municipality Paupack Township

County **Wayne County**



Consulting Engineer Brian Oram, P.G.  
B.F. Environmental Consultants,  
Inc.  
15 Hillcrest Drive  
Dallas, PA 18612

Application Received July 17, 2023

Permit Issued July 24, 2023

Description Rehabilitation and Cleaning of  
Well Nos. 5 and 7

**Construction Permit No. 4522501**, Major Amend-  
ment, Public Water Supply.

Applicant **Pennsylvania American  
Water Company**

Address 852 Wesley Drive  
Mechanicsburg, PA 17055

Municipality Coolbaugh Township

County **Monroe County**

Consulting Engineer Richard B. Kresge, Jr., P.E.,  
Atlas Technical Consultants,  
LLC  
1001 Lackawanna Trail  
Clarks Summit, PA 18411

Application Received February 22, 2022

Permit Issued May 26, 2022

Description Pocono Farms Well No. 7  
Finished Water Storage

**Construction Permit No. 4022515**, Major Amend-  
ment, Public Water Supply.

Applicant **OM USA, LLC  
dba Nelly Travel Plaza**

Address 3765 Nuangola Road  
Nuangola, PA 18707

Municipality Rice Township

County **Luzerne County**

Consulting Engineer John R. Ackerman, P.E., P.G.  
Twin Oaks Consulting, LLC  
820 Evans Street  
Hazle Township, PA 18201

Application Received December 9, 2022

Permit Issued April 3, 2023

Description Nelly Travel Plaza Water  
Treatment System

**Operation Permit No. 2400054**, Public Water Supply.

Applicant **Freeland Borough Municipal  
Authority**

Address 711 Birkbeck Street  
Freeland, PA 18224

Municipality Freeland Borough

County **Luzerne County**

Application Received August 16, 2022

Permit Issued August 23, 2023

Description Designation of Optimal Water  
Quality Parameters

**Operation Permit No. 3480007**, Public Water Supply.

Applicant **Del-Aire MHP, LLC**

Address 365 Mola Blvd.  
Elmwood Park, NJ 07407

Municipality Williams Township

County **Northampton County**

Application Received January 26, 2023

Permit Issued April 27, 2023

Description Permit Transfer

**Operation Permit No. 2450122**, Public Water Supply.

Applicant **Pocono Jackson Joint Water  
Authority**

Address 2162 Route 715 South  
Reeders, PA 18352

Municipality Jackson Township

County **Monroe County**

Application Received February 22, 2023

Permit Issued May 2, 2023

Description Installation of New Continuous  
Chlorine Analyzer

**Operation Permit No. 2400042**, Public Water Supply.

Applicant **Beechcrest MHP, LLC**

Address 11 Katherines Way  
Lancaster, PA 17602

Municipality Dennison Township

County **Luzerne County**

Application Received March 1, 2023

Permit Issued August 4, 2023

Description Permit Transfer

**Operation Permit No. 3480089**, Public Water Supply.

Applicant **Heritage Village  
Management, LLC**

Address 2846 Main Street  
Box 12A  
Morgantown, PA 19543

Municipality Lehigh Township

County **Northampton County**

Consulting Engineer Mark Leuthe, Lehigh  
Engineering Associates, Inc.  
P.O. Box 68  
499 Riverview Drive  
Walnutport, PA 18088

Application Received March 16, 2023

Permit Issued April 27, 2023

Description Permit Transfer

**Operation Permit No. 4819506-T1**, Public Water  
Supply.

Applicant **Heritage Village  
Management, LLC**

Address 2846 Main Street  
Box 12A  
Morgantown, PA 19543

Municipality Lehigh Township

County **Northampton County**

Consulting Engineer Mark Leuthe, Lehigh Engineering Associates, Inc.  
P.O. Box 68  
499 Riverview Drive  
Walnutport, PA 18088

Application Received March 16, 2023

Permit Issued April 27, 2023

Description Permit Transfer

**Operation Permit No. 3540327**, Public Water Supply.

Applicant **3C's Family Restaurant**

Address 2212 Centre Turnpike  
Route 61  
Orwigsburg, PA 17961

Municipality West Brunswick Township

County **Schuylkill County**

Consulting Engineer Karen C. Pollock, P.E.  
Systems Design Engineering,  
Inc.  
1032 James Drive  
Leesport, PA 19533

Application Received May 5, 2023

Permit Issued June 14, 2023

Description 4-Log treatment of viruses

**Operation Permit No. 2400806**, Public Water Supply.

Applicant **CAN DO, Inc.**

Address 1 South Church St.  
Hazleton, PA 18201

Municipality Hazle Township

County **Luzerne County**

Consulting Engineer Karen C. Pollock, P.E.  
Systems Design Engineering,  
Inc.  
1032 James Drive  
Leesport, PA 19533

Application Received May 5, 2023

Permit Issued June 28, 2023

Description Installation of Temporary Iron and Manganese Treatment System at Well No. 8

**Operation Permit No. 2580040**, Public Water Supply.

Applicant **KRB Land Company, LLC**

Address 10 Jayne Road  
Tunkhannock, PA 18657

Municipality Bridgewater Township

County **Susquehanna County**

Application Received June 2, 2023

Permit Issued August 31, 2023

Description Permit Transfer

**Operation Permit No. 2400091-E1**, Public Water Supply.

Applicant **Veolia Water Pennsylvania, Inc.**

Address 6310 Allentown Blvd.  
Suite 104  
Harrisburg, PA 17112

Municipality Dallas Township

County **Luzerne County**

Application Received June 6, 2023

Permit Issued June 28, 2023

Description Emergency Permit—Well Pump Replacement Barn Well Station (Overbrook Well No. 4)

**Operation Permit No. 3480049**, Public Water Supply.

Applicant **East Bangor Municipal Authority**

Address 555 W. Central Avenue  
P.O. Box 539  
East Bangor, PA 18013

Municipality East Bangor Borough

County **Northampton County**

Consulting Engineer Craig LaBarre  
Portland Contractors, Inc.  
403 Jones Drive  
Portland, PA 18351

Application Received October 17, 2022

Permit Issued September 8, 2023

Description Designation of Optimal Water Quality Parameters

*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.*

**Operation Permit 4123502MA**. PWSID No. **4410156**. **Jersey Shore Area Joint Water Authority**, 1111 Bardo Avenue, Jersey Shore, PA 17740, Jersey Shore Borough, **Lycoming County**. Application received: August 8, 2023. Permit Issued: September 5, 2023. This permit authorizes operation of 3 bulk water loading stations at the existing fire hydrant located at 310 South Lincoln Ave, Jersey Shore, PA 17740, and the existing fire hydrant and Pine Creek WTP Service Line at 334 Tiadaghton Ave, Jersey Shore, PA 17740.

**Operation Permit 1423503MA**. PWSID No. **4140082**. **College Township Water Authority**, 1481 East College Avenue, State College, PA 16801, College Township, **Centre County**. Application received: September 1, 2023. Permit Issued: September 7, 2023. This permit authorizes operation of the rehabilitated Struble Finished Water Storage Tank.

**Operation Permit 4900501-T1-A1**. PWSID No. **4490016**. **Pennsylvania-American Water Company-Turbotville Water System**, 852 Wesley Drive, Mechanicsburg, PA 17055, Lewis Township, **Northumberland County**. Application received: August 28, 2023. Permit Issued: September 11, 2023. This permit authorizes the water system to replace the raw water HACH 1720E turbidimeter with Lovibond PTV 1000 Process Turbidimeter.

**Operation Permit 1423501MA**. PWSID No. **4140096**. **State College Borough Water Authority**, 1201 West Branch Road, State College, PA 16801, Patton Township, **Centre County**. Application received: September 8, 2023. Permit Issued: September 11, 2023. This permit authorizes operation of the rehabilitated 2 MG Gray's Woods Finished Water Storage Tank No. 7.

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

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

**NCWSA Operation Permit 7360439.** PWSID No. **7360439. Hershey Farm Restaurant**, 240 Hartman Bridge Rd, Ronks, PA 17572, Strasburg Township, **Lancaster County**. Application received: August 23, 2023. Permit Issued: September 11, 2023. This action approves operation of the Hershey Farm Restaurant public water supply following the installation of a liquid sodium hypochlorite disinfection system and a water softening system.

**NCWSA Operation Permit 3060865.** PWSID No. **3060865. Huff's Union Church**, 540 Conrad Rd, Alburtis, PA 18011, Hereford Township, **Berks County**. Application received: August 24, 2023. Permit Issued: September 11, 2023. This action authorizes operation of the Huff's Union Church public water supply following construction of a sodium hypochlorite disinfection system. The disinfection system consists of a chemical feed pump, solution tank, secondary containment, and disinfection contact tanks.

**Construction Permit 7380379.** PWSID No. **7380379. Table Trust Brands**, P.O. Box 10, 2609 St., Rt. 22, Fredericksburg, PA 17026, Bethel Township, **Lebanon County**. Application received: May 17, 2023. Permit Issued: September 11, 2023. This action authorizes the removal of a gas chlorination system and the installation of a liquid sodium hypochlorite disinfection system at the Table Trust Brands processing facility. The new system includes a chemical feed pump, sodium hypochlorite solution certified to NSF Standard 60, solution tank, and secondary containment unit.

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

**Operation Permit 4050497.** PWSID No. **4050497. Shellbark Campground, LLC**, 121 Pecan Road, Manns Choice, PA 15550, Napier Township, **Bedford County**. Application received: September 6, 2023. Permit Issued: September 11, 2023. Comprehensive operation permit for the operation of 4-log treatment of viruses disinfection with sodium hypochlorite.

**NCWSA Construction Permit 7670385.** PWSID No. **7670385. Mountain Ridge Regional Church**, 32 Big Dam Road, Dillsburg, PA 17019, Washington Township, **York County**. Application received: March 23, 2023. Permit Issued: September 11, 2023. New system including a well, pressure tank, cartridge filtration, and flow control.

#### WATER ALLOCATIONS

**Actions Taken on Applications Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*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.*

**45-1001, Water Allocations. Brodhead Creek Regional Authority**, 410 Mill Creek Road, East Stroudsburg, PA 18301, Jackson Township, **Monroe County**.

Change of Ownership. WA 45-1001. Succession to Water Rights. The Department has acknowledged that Brodhead Creek Regional Authority, 410 Mill Creek Road, East Stroudsburg, PA 18301, Jackson Township, Monroe County, has given notice that it succeeded to all rights and obligations under the permit, issued to the former Pocono Jackson Joint Water Authority, P.O. Box 196, Reeders, PA 18352, Jackson Township, Monroe County on August 21, 2023. Application received: June 23, 2023. Transfer issued: August 21, 2023

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.**

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

*Contact: Carrie Wilt, Sewage Planning Specialist II, 717-705-4755.*

*Plan Location:*

<i>Municipality</i>	<i>Address</i>	<i>County</i>
York Township	190 Oak Road Dallastown, PA 17313	York County

*Plan Description:*

**Major League Properties**, A3-67971-708-3s. Approval of a revision to the official plan of York Township, **York County**. The project is known as Major League Properties. The plan provides for a Small Flow Treatment Facility (SFTF) proposal to replace a malfunctioning on-lot sewage disposal system serving an existing single-family residential dwelling on a 1.03-acre lot with total estimated sewage flows of 400 gpd. The lot contains two dwellings, and the one on the north side of the property is already served by a SFTF. This plan addresses the dwelling on the southeast side of the property, which will have its own SFTF, but will connect to the existing discharge point tributary to Inners Creek. The proposed development is located at 3275 Honey Valley Road in York Township, York County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-67971-708-3s and the APS Id is 1087907. Any permits must be obtained in the name of the property owner.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 2

**The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of



concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

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

The Department has received the following plans and reports.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Square One 103**, Primary Facility ID # **687445**, 158-160 South Third Street, Easton, PA 18042, City of Easton, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lisa Dell'Alba and Brenda Rosado, P.O. Box AA, Hellertown, PA 18055, submitted a Final Report concerning remediation of soil and groundwater contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

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

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

**R&M Commercial Properties, LLC**, Primary Facility ID # **861175**, South Reading Avenue, Boyertown, PA 19512, Douglass Township, **Berks County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of R&M Commercial Properties, LLC, 844 Prospect Avenue, Somerset, PA 15501, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with Lead and Arsenic. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

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

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

**Thompson Property**, Primary Facility ID # **865049**, 140 Thompson Road, Avondale, PA 19311, New Garden

Township, **Chester County**. Jenifer Fields, ACRI-Environmental, 3846 East Brandon Way, Doylestown, PA 18902, on behalf of Chris T. Reitman, Montrose Environmental, 1140 Valley Forge Road, Valley Forge, PA 19482, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with lead and arsenic. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**Route 202N Ramp to Route 422W**, Primary Facility ID # **866901**, Route 202N Ramp to Route 422W, Upper Merion, PA 19087, PA 19087, Upper Merion Township, **Montgomery County**. Richard Doran, HETI, 54 Nonset Path, Acton, MA 07120, on behalf of Chris Sharkey, DE, Walker & Sons Inc./Green Propane Inc., 63 East Broad Street, Hatfield, PA 19440, submitted a Final Report concerning remediation of soil contaminated with Heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**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).**

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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.

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

*Contact: Nick, 814-332-6978.*

**McElhinny Well Pad Expansion and Tank Pad Project**, Primary Facility ID # **868199**, 762 Brownsdale Road, Evans City, PA 16033, Foster Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of PennEnergy Resources, LLC, 3000 Westinghouse Drive, Suite 300, Cranberry, PA 16066, submitted a Final Report concerning remediation of soil contaminated with Aquifer Statewide health standard in soil for Aluminum, Barium, Boron, Chloride, Iron, Lithium, Manganese, Selenium, and Zinc. Background Standard in soil for Strontium and Vanadium. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: September 12, 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.*

**Olde Liberty Square Property**, Primary Facility ID # **857310**, 4807 Jonestown Road, Harrisburg, PA 17109, Lower Paxton Township, **Dauphin County**. ARM Group, LLC, 1129 West Governor Road, Hummelstown, PA 17036, on behalf of Room One Corporation, 4391 Chambers Hill Road, Harrisburg, PA 17111-0456, submitted a Final Report concerning remediation of groundwater contaminated with leaded gasoline and diesel fuel constituents. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 6, 2023.

**Moser Farm Property**, Primary Facility ID # **839627**, 1320 Montgomery Avenue, Bechtelsville, PA 19505, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Hollenbach Swamp Creek Properties, LLC, P.O. Box 507, Boyertown, PA 19512-0507, submitted a Final Report concerning remediation of soil and groundwater contaminated with gasoline. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 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.**

#### *New Transporter License Issued*

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

*Contact: Jonathan Adams.*

**Advant-Edge Solutions of Middle Atlantic, Inc.**, 17 Shea Way, Newark, DE 19713. **License No. PA-AH 0937**. Application received: July 19, 2023. Effective September 7, 2023.

**Ziron Environmental Services, Inc.**, 302-306 E 25th Street, Chicago Heights, IL 60411. **License No. PA-AH 0938**. Application received: July 24, 2023. Effective September 5, 2023.

**Ecotech Hydro Excavation, LLC**, 349 Buck Road, Quarryville, PA 17566. **License No. PA-AH 0941**. Application received: July 24, 2023. Effective September 7, 2023.

#### *Transporter License Reissued*

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

*Contact: Jonathan Adams.*

**Waste Recovery Solutions, LLC**, 343 King Street, Myerstown, PA 17067. **License No. PA-AH 0683**. Application received: September 6, 2023. Effective September 6, 2023.

**Island Pump and Tank, LLC**, 40 Doyle Court, East Northport, NY 11731. **License No. PA-AH 0915**. Application received: September 6, 2023. Effective September 6, 2023.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL 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 Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

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

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

**WMGR123NW019. Highland Field Services, LLC—Shawmut Grade PW Facility**, 51 Zents Boulevard, Brookville, PA 15825, Sergeant Township, **McKean County**. Highland Field Services, LLC intends to process, transfer, and beneficially use oil and gas liquid waste to develop or hydraulically fracture an oil or gas well. Application received: June 14, 2023. Permit issued: September 6, 2023.

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

**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.**

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

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

**301356. Cleveland-Cliffs Steel Corporation**, Route 8 South, Butler Township, PA 16003, Butler Township, **Butler County**. Cleveland-Cliffs Steel Corporation, Butler Works, No. 4 Sludge Bed Landfill—Major permit modification application to an existing captive residual waste landfill for the vertical and horizontal expansion of the landfill disposal area. Application received: September 28, 2022. Deemed administratively complete: October 24, 2022. Permit issued: September 7, 2023.

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

**AIR QUALITY**

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

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

*Contact: Mark J Wejkszner, Air Quality Program Manager, 570-826-2511.*

**GP3-39-019: Northledge, LLC**, 930 Market Street, Bethlehem, PA 18017, Whitehall Township, **Lehigh County**. For a portable crushing operation with water sprays at the Ormrod Quarry Site Application received: August 10, 2023. Issued: September 5, 2023.

**GP9-39-019: Northledge, LLC**, 930 Market Street, Bethlehem, PA 18017, Whitehall Township, **Lehigh County**. For IC engines at the Ormrod Quarry Site Application received: August 10, 2023. Issued: September 5, 2023.

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

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

**GP4-25-01031D: RAM Industrial Services, LLC**, 4693 Iroquois Avenue, Erie, PA 16511-2343, Harborcreek Township, **Erie County**. Issued a new GP-4 for an existing burnoff oven to a new owner. Application received: April 25, 2023. Issued: June 20, 2023.

**GP2-20-00324A: Suit Kote Corp**, 10965 McHenry Street, Meadville, PA 16335, West Mead Township, **Crawford County**. Issued a Gp-2 to cover operation of

numerous existing asphalt storage tanks Application received: April 21, 2023. Issued: July 6, 2023.

**GP14-42-00218E: Bradford Crematory**, 105 Hilton Street, Bradford, PA 16701, City of Bradford, **McKean County**. Issued a GP-14 to authorize one new human crematory and reauthorize one existing human crematory Application received: April 4, 2023. Issued: July 28, 2023.

**GP14-61-00214D: Reinsel Funeral Home & Cremation/Oil City**, 116 Bissell Ave, Oil City, PA 16301-1806, City of Oil City, **Venango County**. Issued a GP-14 renewal to reauthorize operation of an existing human crematory. Application received: March 2, 2023. Issued: June 28, 2023.

**GP14-32-00371C: Wilbert Funeral Services, Inc.**, 6 Decker Street, Blairsville, PA 15717-1225, Blairsville Borough, **Indiana County**. Issued a GP-14 renewal to reauthorize operation of an existing Matthews IE43-PPII human crematory. Application received: April 12, 2023. Issued: July 11, 2023.

**GP14-61-00234A: Furever Friends, LLC**, 1315 Chestnut Street, Franklin, PA 16323-1538, City of Franklin, **Venango County**. Issued a GP-14 for a new B & L Cremation Systems, Inc. animal crematory. Application received: May 10, 2023. Issued: August 4, 2023.

**AG5-24-00001B (GP5-24-00177C): Pin Oak Energy Partners LLC**, 2740 County Line Road, Wilcox, PA 15870, Jones Township, **Elk County**. Issued a GP-5 renewal to reauthorize operation of existing equipment at the Pin Oak Energy Partners, Mt. Jewett Interconnect Station. Application received: June 23, 2023. Issued: June 27, 2023.

**AG5-16-00002B (GP5-16-00156D): Snyder Brothers, Inc.**, State Route 2005, New Bethlehem, PA 16242, Porter Township, **Clarion County**. Issued a GP-5 renewal to reauthorize operation of existing equipment at the Snyder Brothers Inc.—Cottage Hill Compressor Station. Application received: June 14, 2023. Issued: July 17, 2023.

**AG5-32-00010A(GP5-32-00343D): Diversified Production, LLC—Dilltown Compressor Station**, 1350 Bracken Road, Vintondale, PA 15961, Buffington Township, **Indiana County**. Issued a GP-5 renewal for existing equipment at the Diversified Production, LLC—Dilltown Compressor Station. Application received: April 21, 2023. Issued: July 26, 2023.

**AG5-03-00003B(GP5-03-00255C): EQM Gathering Opco, LLC—Terra Compressor Station**, Veahman Road, Plum Creek, PA 15736, Plumcreek Township, **Armstrong County**. Issued a GP-5 renewal to reauthorize operation of existing equipment at the EQM Gathering Opco, LLC—Terra Compressor Station. Application received: June 14, 2023. Issued: August 14, 2023.

**AG5-32-00011A(GP5-32-00383C): Diversified Production, LLC—Henry Compressor Station**, 2610 Deckers Point Road, Marion Center, PA 15759, East Mahoning Township, **Indiana County**. Issued a GP-5 renewal to reauthorize operation of existing equipment at the Diversified Production—Henry Compressor Station. Application received: April 27, 2023. Issued: August 30, 2023.

**Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.**



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

*Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.*

**40-00154A: American Custom Drying Company**, 1150 Crestwood Dr, Mountaintop, PA 18707, Wright Township, **Luzerne County**. 40-00154A: American Custom Drying Company (1150 Crestwood Dr Mountaintop, PA 18707-2108) issued on September 7, 2023 for the construction and operation of a new facility that will serve the ingredients market for both food and non-food industries. Particulate emissions will be control by a baghouse from the spray dryer operations at the facility to be in Wright Township, Luzerne County. Application received: June 6, 2023. Issued: September 7, 2023.

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

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

**32-00449A: Gruppo EF Technologie USA, LLC**, 119 Business Park Lot 2, Center Township, PA 15717, Center Township, **Indiana County**. Issued a final plan approval for construction and temporary operation of a new biogas generation facility, which will anaerobically digest biomass farm waste to produce biogas which will be sold to pipeline. The proposed facility will consist of two (2) parallel anaerobic digesters, associated raw material and digestate storage tanks, biogas treatment unit, emergency flare, 550 kW natural gas-fired combined heat and power unit, and 5 MMBtu/hr natural gas-fired backup boiler. Application received: May 19, 2022. Issued: June 20, 2023.

**24-00131X: SGL Carbon, LLC**, 900 Theresia Street, Saint Marys, PA 15857-1832, City of Saint Marys, **Elk County**. Issued a plan approval for the installation and initial operation of 18 new furnaces and 2 scrubber control devices. This is an existing non-Title V facility. The proposed furnaces will bake newly formed carbon parts into purified graphite parts. This process will generate particulate matter emissions and chlorine emissions. Emissions from the process will be controlled by two scrubber systems. Emissions of HCl, a Hazardous Air Pollutant, generated from the source are estimated to be less than 0.24 ton per year. PM emissions generated from the source are estimated to be less than 6.80 tons per year. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Application received: August 8, 2022. Issued: July 12, 2023.

**42-00095D: Georgia-Pacific Corrugated, LLC**, 1 Owens Way, Bradford, PA 16701, Bradford Township, **McKean County**. Issued a plan approval for the installation of a natural gas-fired boiler, corrugator, flexographic folder gluer, and rotary die cutter. Equipment includes a 24.9 MMBtu/hr capacity natural gas-fired boiler, which will replace an existing boiler; installation of a 643 MSF/hr capacity corrugator, which will replace an existing corrugator; installation of a 525 MSF/hr capacity flexographic/folder/gluer (FFG) unit, which will replace an existing FFG unit and an existing specialty folder/gluer; and installation of a 621 MSF/hr capacity rotary die cutter (RDC), which will replace two existing die cutters. Based on the information provided by the applicant and DEP's own analysis, total emissions from the subject source(s) will not exceed 24.3 tons of carbon monoxide, 3.99 tons of nitrogen oxides (NO<sub>x</sub>), 18.82 tons of volatile organic compounds (VOC), 0.06

ton of sulfur oxides (SO<sub>x</sub>), 23.74 tons of particulate matter, 4.25 tons of methanol, and 10.01 tons of total hazardous air pollutants (HAP) per year. Application received: November 14, 2022. Issued: September 1, 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.*

**09-0187B: SimsMetal East Morrisville Facility**, 300 Steel Rd S, Morrisville, PA 19067-3614, Falls Township, **Bucks County**. This action is for the installation and operation of emission control system to reduce VOC emissions from an existing metal shredder operation. Application received: December 16, 2022. Issued: September 8, 2023.

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**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.**

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*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.*

**21-03034A: Penn Valley Crematory, LLC**, 167 North Enola Road, Enola, PA 17025, East Pennsboro Township, **Cumberland County**. For an existing crematory and funeral home facility. The plan approval was extended. Application received: September 5, 2023. Issued: September 8, 2023.

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

**36-05142C: Mars Wrigley Confectionery US, LLC**, 295 South Brown Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. For the construction of a new cocoa bean receiving, cleaning, and storage operation at the chocolate manufacturing plant. The plan approval was extended. Application received: August 22, 2023. Issued: September 7, 2023.

**36-03221A: CK Manufacturing, LLC**, 330 Millwood Road, Lancaster, PA 17603, Pequea Township, **Lancaster County**. For the light-duty truck body and barn stall railings coating booth. The plan approval was extended, with a compliance schedule. Application received: August 29, 2023. Issued: September 11, 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.*

**55-00005: Wood-Mode, LLC**, One 2nd St., Kreamer, PA 17833, Middlecreek Township, **Snyder County**. Was issued a renewal Title V Operating Permit for the Kreamer facility. The facility's sources include one biomass boiler, two natural gas-fired boilers, various wood handling, working and finishing operations, various storage tanks, lumber drying, veneering and gluing operations, various emergency generator engines. The Title V Operating Permit contains all applicable regulatory re-

quirements including monitoring, recordkeeping and reporting conditions. Application received: February 2, 2023. Issued: September 11, 2023.

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

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

**44-05001: Standard Steel, LLC**, 500 North Walnut Street, Burnham, PA 17009-1644, Burnham Borough, **Mifflin County**. For the steel manufacturing facility. The Title V permit underwent a significant modification to add presumptive and case-by-case RACT 3 requirements for the facility. The portions of the permit related to approval of the RACT 3 case-by-case proposal will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal. Application received: December 21, 2022. Issued: September 11, 2023.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

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

**09-00027: Fres-co System USA, Inc.**, 3005 State Rd, Telford, PA 18969-1021, West Rockhill Township, **Bucks County**. This action is for the renewal of a Title V Operating Permit for a printed flexible packaging process. Application received: May 12, 2023. Issued: September 7, 2023.

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**Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**41-00081: East Lycoming School District**, 349 Cemetery Street, Hughesville, PA 17737, Hulmeville Borough, **Lycoming County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the East Lycoming School District Junior/Senior High School facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: November 28, 2022. Renewal issued: September 11, 2023. New expiration date: September 10, 2028.

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

**41-00050: Appellation Construction Services, LLC**, 999 N. Loyalsock Ave., Ste C, Montoursville, PA 17754, Woodward Township, **Lycoming County**. Was issued a renewal State Only Operating Permit for the Williamsport Plant. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: February 22, 2023. Issued: September 6, 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.*

**40-00131: Downs Racing LP**, 1280 Highway 315 Blvd, Wilkes-Barre, PA 18702, Plains Township, **Luzerne County**. The Department issued an initial State-Only Operating Permit for the operation of boilers and emergency generators. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: July 1, 2022. Accepted: July 14, 2022. Issued: August 30, 2023.

**64-00007: Heidelberg Materials NE, LLC**, 7660 Imperial Way, Allentown, PA 18195, Lake Township, **Wayne County**. The Department issued a renewal State-Only Operating Permit for the operation of sources at the Lake Ariel Quarry. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: July 29, 2022. Accepted: August 2, 2022. Issued: August 17, 2023.

**48-00100: Tierpoint Pennsylvania Two, LLC**, 3949 Schelden Cir, Bethlehem, PA 18017, Hanover Township, **Northampton County**. The Department issued a renewal State-Only Operating Permit for the operation of emergency generators at their 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: November 29, 2022. Accepted: December 13, 2022. Issued: August 10, 2023.

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

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

**67-05145: Oldcastle Building Envelope, Inc.**, 1551 Mount Rose Avenue, York, PA 17403, Spring Garden Township, **York County**. For the architectural door and window manufacturing facility. Application received: December 22, 2022. Issued: September 11, 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.*

**15-00055: Highway Materials Downingtown Plant**, Re: Downingtown, P.O. Box 1667, 1750 Walton Rd, Blue Bell, PA 19335, East Caln Township, **Chester County**. This action is for the renewal of a State Only, Synthetic Minor Operating Permit. Highway Materials operates a Hot Mix Asphalt Plant at this location. Application received: September 19, 2022. Issued: September 7, 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.*

**56-00100: Highland Tank & Mfg Co., Inc.**, 1 Highland Road, Stoystown, PA 15563, Stoystown Borough, **Somerset County**. On September 6, 2023, the Department issued a renewal synthetic minor State Only Oper-



ating Permit for a manufacturer of storage tanks. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, record-keeping, reporting, and work practice standards requirements at the facility located in Stoystown Borough, Somerset County. Application received: May 5, 2023. Permit issued: September 6, 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.**

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

*Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.*

**13-00013: Ampal Inc.**, 2125 Little Gap Road, Palmerston, PA 18071, Lower Towamensing Township, **Carbon County**. **13-00013: Ampal Inc.**, 2125 Little Gap Road, Palmerton, PA 18071-0124, for an amendment to incorporate process modification. The conditions from Plan Approval 13-00013B were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. Application received: June 23, 2023. Issued: September 5, 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.*

**36-05152: Kelloggs USA, LLC**, 2050 State Road, Lancaster, PA 17601-1821, East Hempfield Township, **Lancaster County**. For the breakfast cereal manufacturing facility. The State-Only permit was administratively amended in order to reflect a change of ownership. Application received: July 12, 2023. Issued: September 5, 2023.

**06-05034: Texas Eastern Transmission/Bechtelsville**, 467 Forgedale Road, Barto, PA 19504, Washington Township, **Berks County**. For the Bechtelsville Compressor Station. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05034A. Application received: June 26, 2023. Issued: September 7, 2023.

**36-05166: Rutt Quality Cabinetry, LLC**, 215 Diller Avenue, New Holland, PA 17557-1611, Earl Township, **Lancaster County**. For the wood cabinet manufacturing facility. The State-Only permit was administratively amended in order to reflect a change of ownership. Application received: August 24, 2023. Issued: August 30, 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.*

**09-00027: Fres-co System USA, Inc.**, 3005 State Rd, Telford, PA 18969-1021, West Rockhill Township, **Bucks County**. This action is for the issuance of a minor modification of the Title V Operating Permit for Fres-co System USA, Inc. This facility is a manufacturer of printed flexible packaging material for the coffee, pet food and agricultural industries. The manufacturing process includes laminating, rotogravure printing and flexo-

graphic printing. The Title V Operating Permit was modified to reduce the volatile organic compound (VOC) limit for Ink Mixing Process—Source ID No. 310 to 2.70 tons per year to address compliance with Reasonably Available Control Technology (RACT) III conditions for the Ink Mixing Process since the facility-wide emissions of VOC exceed the 50 tons per year threshold for RACT III applicability. RACT III is addressed through this minor modification for Source ID 901 & miscellaneous source indigo press since the Potential to Emit VOC is less than 2.7 tons per year of VOCs and subjects these sources to the presumptive RACT III requirement of installing, maintaining and operating the source in accordance with the manufacturer's specifications and with good operating practices. Source IDs 202, 203, 204 and 205 are not subject to the RACT III requirements because a RACT requirement has been established for these sources in 25 Pa. Code §§ 129.64—129.69. Source IDs 031, 032, 205, 303, 903, 904, T01, T05, 702—705 are not subject to the RACT III requirements because they have the potential to emit (PTE) less than 1.00 ton per year of VOCs. Application received: May 12, 2023. Issued: September 7, 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. 32000108. River Hill Coal Co., Inc.**, P.O. Box 141, Kylertown, PA 16847, West Wheatfield Township, **Indiana County**. Revision to change the post-mining land use from cropland to unmanaged natural habitat on a bituminous surface and auger mine affecting 759.2 acres. Receiving stream(s): unnamed tributaries to/and Conemaugh River, Richards Run and Roaring Run, classified for the following use: CWF. Application received: July 17, 2023. Permit issued: September 12, 2023.

*Noncoal Permits*

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

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. GP-105 08232502. GP-104 NPDES No. PAM223002. Canfield Quarries, Inc.**, 154 Warren Street, Tunkhannock, PA 18657, Tuscarora Township, **Bradford County**. Commencement, operation, and restoration of small noncoal (bluestone) surface mining operation and coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104 affecting 10 acres. Receiving stream(s): Tuscarora Creek classified for the following use(s): CWF. Application received: February 21, 2023. Issued: September 5, 2023.

**ABANDONED MINE RECLAMATION  
PRIMACY BOND FORFEITURE PROJECT**

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

*Contact: Scott Hammond, Watershed Manager, 814-505-3252.*

Primacy Bond Forfeiture Project No.	<b>PBF 14080101.1</b>
Municipality	Snowshoe and Burnside Townships
County	<b>Centre County</b>
Description	The intent of this project is to regrade the embankment of an existing stormwater management pond to create a wildlife wallowing pond and to build a vegetated stormwater diversion swale on Pennsylvania State Gameland # 100 located in Snowshoe and Burnside Townships, Centre County. The regraded and lowered embankment of the pond will create better access for wildlife. The stormwater diversion swale will minimize flooding of an abandoned mine drainage treatment system. All disturbed areas and the stormwater diversion swale will be revegetated with seed mixes selected by the Pennsylvania Game Commission.
Contractor Name and Address	DJ Contracting & Construction LLC
Address	64 RB Contracting Lane
City, State, Zip	Curwensville, PA 16833
Amount	45,805.00
Date of Award	September 11, 2023

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.**

*Blasting Permits*

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

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Permit No. 67234110. Abel Construction Co., Inc.**, 3925 Columbia Avenue, Mountville, PA 17554, Codorus Township, **York County**. Construction blasting for Hills at Valley View Phase 2. Application received: September 5, 2023. Permit issued: September 7, 2023. Expiration date: June 1, 2024.

**FEDERAL WATER POLLUTION  
CONTROL ACT SECTION 401**

The Department of Environmental Protection (DEP) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

**Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.**

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

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

**E5802122-015 PA Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Lathrop Township, Lenox Township, Hartford Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District.

To authorize the following water obstructions and encroachments associated with the SR 0011 Section RS2 Project: 1. To construct and maintain stream protection in Stream 2-AA (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-1) 2. To construct and maintain stream protection in Stream 2-Y (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-3) 3. To construct and maintain stream protection in Stream 2-X (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-4) 4. To construct and maintain stream protection in Stream 2-W (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-7) 5. To construct and maintain stream protection in Stream 2-V (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-8) 6. To construct and maintain stream protection in Stream 2-U (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-9) 7. To construct and maintain stream protection in Stream 2-T (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-11) 8. To construct and maintain stream protection in Stream 2-S (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-12) 9. To construct and maintain stream protection in Stream 2-R (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-14) 10. To construct and maintain stream protection in Stream 2-O (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-16) 11. To construct and maintain stream protection in Stream 2-M (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-17) 12. To construct and maintain stream protection in Stream 2-K (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-18) 13. To construct and maintain stream protection in Stream 2-I (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-19) 14. To construct and maintain stream protection in Stream 2-E (CWF, MF) consisting of an existing 18" pipe out-letting into proposed riprap apron protection. (Impact JPA-20) 15. To construct and maintain stream protection in Stream 2-D (CWF, MF) consisting of an existing 15" pipe out-letting into proposed riprap apron protection. (Impact JPA-22) 16. To permanently impact 0.03 acre of PEM/PSS wetlands immediately adjacent to SR 0011 associated with grading and rock apron construction. The proposed project is located along SR 0011 for approximately 3.75 miles from Segment 0180 Offset 1505 to Segment 0120 Offset 1967. (Hartford, Hop Bottom, Lenoxville and Montrose East PA Quadrangles, Latitude: 41.760645° Longitude: -75.751654° to Latitude: 41.710843°; Longitude: -75.768350°) in Lathrop, Lenox and Hartford Townships, Susquehanna County. Application received: November 22, 2022. Issued: September 5, 2023.

**E4502223-003 Sean E. Pincus**, 266 Krams Avenue, Philadelphia, PA 19128, Tobyhanna Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a 4.0-foot wide by 50.0-foot long elevated walkway across PEM EV wetland, for the purpose of providing access to Arrowhead Lake. The project also includes the construction of a 10.0-foot x 15.0-foot floating dock attached to shoreline. The project is located in Arrowhead Lake at 155 Lodge Place in Tobyhanna Township, Monroe County. (Thornhurst, PA Quadrangle Latitude: 41° 09' 09.8", Longitude: -75° 34' 29.3") Latitude: 41° 09' 09.8", Longitude: -75° 34' 29.3". Application received: April 28, 2023. Issued: September 6, 2023.

**E4502223-005. Drew Bernstein**, 121 English Ivy Court, Long Pond, PA 18350, Tunkhannock Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain an 8.0-foot long by 4.0-foot wide with an 8.0-foot long by 8.0-foot wide section of dock within Emerald Lakes. The project also includes placement of fill in a deminimus area of PEM EV wetlands equal to 0.01 acre for construction of a walking path to Emerald Lakes. The project is located along Ivy Court approximately 0.1-mile East of intersection with Ivy Way in Emerald Lake Estates Pocono Pines Quadrangle Latitude: 41.07864°, Longitude: -75.419139°. Latitude: 41.07864°, Longitude: -75.419139°. Application received: April 28, 2023. Issued: September 6, 2023.

**E1302223-001. Lehigh Canal Recreation Commission**, 1 Constitution Ave., Lehighton, PA 18235-2088, Franklin Township, **Carbon County**. U.S. Army Corps of Engineers Philadelphia District.

To stabilize the western canal bank in the area of the Long Run Creek confluence with the Lehigh Canal (CWF, MF), and to restore two overflow spillways, and the reestablishment of a historic spillway south of Long Run along the Weisport Section of the Lehigh Canal. The project is located in Franklin Township, Carbon County, PA Quadrangle Latitude: 40° 50' 58" Longitude: -75° 42' 30". (Lehighton, PA Quadrangle, Latitude: 40° 05' 58"; Longitude: -75° 42' 30"). Latitude: 40° 05' 58", Longitude: -75° 42' 30". Application received: April 24, 2023. Issued: September 7, 2023.

**E4002222-015. Brian Kimber**, 2601 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain an expansion of an existing dock/boathouse structure within normal pool elevation of Harveys Lake (HQ—CWF, MF) consisting of a 268 ft<sup>2</sup> boat slip. The project is located at 2601 Lakeside Drive (SR 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 46"; Longitude: -76° 2' 34") in Harveys Lake Borough, Luzerne County. Latitude: 41° 21' 46", Longitude: -76° 2' 34". Application received: September 28, 2022. Issued: September 7, 2023.

**E3502122-013. PA Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Moscow Borough, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District.

To authorize the following water obstructions and encroachments associated with the SR 0690 Section D50 Project: 1. To remove the existing structure and to



construct and maintain a 60' wide single span box culvert carrying SR 0690 across Van Brunt Creek (HQ—CWF, MF) having a 20' normal clear span and a 7.5' minimum underclearance and to construct and maintain appurtenant structure features. 2. To permanently impact 0.03 acre of EV wetlands for roadway embankment grading associated with the structure replacement. 3. To construct and maintain an outfall in the floodway of Van Brunt Creek (HQ—CWF) consisting of an 18" pipe and riprap protection. 4. To construct and maintain an outfall channel in the floodway of Van Brunt Creek (HQ—CWF) consisting of a 2' wide grass lined swale discharging to a 2' wide rip-rap lined channel. The project is located along SR 0690 Section D50 Segment 0100, Offset 1236, approximately 0.90 miles east of the SR 0690/SR 0380 intersection (Moscow, PA Quadrangle Latitude: 41.338398°N; Longitude: -75.541150°W. Application received: December 11, 2022. Issued: September 8, 2023.

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

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

**E3306123-002. Pennsylvania Department of Transportation District 10, 2550 Oakland Avenue, Indiana, PA 15701, McCalmont Township, Jefferson County.** U.S. Army Corps of Engineers Pittsburgh District.

To remove the existing structure and to construct and maintain a precast reinforced concrete box culvert having a normal span of 12.0-ft, an underclearance of 6.0-ft (5.0-ft effective with baffles), and a length of 58.67-ft in Elk Run (CWF) resulting in a total of 98-ft of permanent stream impacts and an additional 75-ft of temporary stream impacts on SR 2023, Segment 0030 approximately 1 mile northwest of Anita. Latitude: 41.006943°, Longitude: -78.981658°. Application received: June 13, 2023. Issued: September 5, 2023.

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

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

**E4601223-017. Upper Providence Township, 1286 Black Rock Road, Phoenixville, PA 19460, Upper Providence Township, Montgomery County.** U.S. Army Corps of Engineers Philadelphia District.

Demolition and removal of existing house, accessory structure, foundations, pads, slabs, walkways, driveway, and other site improvements. Backfill of disturbed areas of the property to uniform grade with adjacent undisturbed area(s) with suitable clean fill material and minimum six (6) inches of topsoil. Removal of non-native invasive plants. Preservation of existing native trees and vegetation. Restoration of disturbed areas of the property with lawn ground cover along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 708, 913, 921 Port Providence Road, Phoenixville, PA, (Collegeville PA USGS Quadrangle) in Upper Providence Township, Montgomery County. Latitude: 40.128286°, Longitude: -75.491864°. Application received: March 15, 2023. Issued: September 7, 2023.

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

*Contact: Dana Drake, Program Manager.*

**E0205222-003. Duquesne Light Company, 2841 New Beaver Avenue, Pittsburgh, PA 15223, City of Pittsburgh, Allegheny County.** U.S. Army Corps of Engineers Pittsburgh District.

Latitude: 40° 26' 6.26", Longitude: -80° 1' 57.54". Application received: February 4, 2022. Issued: September 11, 2023.

**E0205222-003, Duquesne Light Company, 2841 New Beaver Avenue, Pittsburgh, PA 15223, City of Pittsburgh, Allegheny County; Pittsburgh ACOE District.**

To:

1. Construct, operate and maintain streambank protection in front of an approximately 100-foot existing sheet pile wall that will remain to provide additional support. The sloped stream bank projection will include a 67 linear feet section of riprap, and an adjacent 36 linear feet section of Fabriform concrete bags.

2. Construct, operate and maintain a 27 linear feet gabion wall with a maximum exposed height of 5 feet will be installed to protect existing features associated with the updating of existing facilities, including removing and replacing secondary containment for the existing transformer pad. Cumulatively the upgrades will impact 0.092 acre of Saw Mill Run's (WWF) floodplain.

For the purpose of permanently stabilizing the existing bank that was subject to erosive flows during recent periods of high velocities. The total length of permanent impact to the left descending bank of Saw Mill Run (WWF) is 103 linear feet.

Duquesne Light Company was previously granted an emergency permit (EP0205221-024) on November 14, 2021 for temporary stabilization of the existing sheet pile wall, with R-6 riprap. The previously installed R-6 riprap will be removed and replaced with the aforementioned slope stream bank protection.

The project site is located in the West End neighborhood of Pittsburgh, between McKnight Street and Saw Mill Run Boulevard (Pittsburgh West, PA USGS topographic quadrangle; N: -40° 26' 6.26"; W: -80° 1' 57.54"; Sub-basin 20F; USACE Pittsburgh District), in the City of Pittsburgh, Allegheny County.

**E0205223-002. Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Baldwin Borough City of Pittsburgh, Allegheny County.** U.S. Army Corps of Engineers Pittsburgh District.

Latitude: 40° 24' 38", Longitude: -79° 57' 23". Application received: January 17, 2023. Issued: August 29, 2023.

**E0205223-002. Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA; Pittsburgh ACOE District.**

To:

Construct and maintain utility line crossings of twelve (12) unnamed tributaries (UNTs) to Becks Run (WWF), Becks Run (WWF), and four (4) PEM wetlands, consisting of two (2) parallel 42-inch diameter pipes, for the purpose of abandoning and replacing approximately 1.8 miles of existing raw water mains, consisting of three (3) existing 24-inch diameter mains, within Becks Run Road in Baldwin Borough and the City of Pittsburgh. In addition, a 36-in diameter temporary pipe will be installed within an existing easement for a 36-inch diameter water main which runs parallel to Becks Run Road to maintain service during construction

The proposed project will result in the following total impacts:

- 720 square feet (0.017 acre) and 40 linear feet of permanent stream impacts.



- 1,999 square feet (0.046 acre) and 351 linear feet of temporary stream impacts.
- 2,733 square feet (0.063 acre) of permanent floodway impacts.
- 9,310 square feet (0.214 acre) of temporary floodway impacts.
- 8,355 square feet (0.192 acre) of temporary wetland impacts.

The project site is located along and in Becks Run Road between East Carson Street and Agnew Road (Pittsburgh East, PA USGS topographic quadrangle; N: 40° 24' 38"; W: -79° 57' 23"; Sub-basin 19A; USACE Pittsburgh District), in Baldwin Borough and The City of Pittsburgh, Allegheny County.

#### DAM SAFETY

*Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 7177873411.*

*Contact: RA-EPBWEWPERMITDDS@pa.gov.*

**D64-021A. Pennsylvania Fish and Boat Commission**, 1604 Elmerton Avenue, Harrisburg, PA 17106, Mount Pleasant Township, **Wayne County**. This project is rehabilitating Belmont Lake Dam to safely pass the spillway design flood. The rehabilitation includes removing the existing spillway, constructing a new, cast-in-place, concrete straight drop spillway, widening the spillway approach channel, ACB armoring of the widened spillway channel, extend the low-level outlet, raise the embankment crest by three feet, install an embankment drainage system and flattening the downstream slope. Orson Application received: December 30, 2020. Permit issued: August 29, 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 **ESG290823011-00**

Applicant Name **Blackhill Energy, LLC**

Contact Person Matthew Pitts

Address 4600 J Barry Ct, Suite 320

City, State, Zip Canonsburg, PA 15317

Township(s) Springfield Township

County **Bradford County**

Receiving Stream(s) and Classification(s) UNT to Leonard

Creek (TSF, MF) Application received: August 14, 2023

Issued: September 8, 2023

#### ESCGP # 3 **ESG294123015-00**

Applicant Name **Beech Resources, LLC**

Contact Person Donald Stevenson

Address 343 Pine Street, Suite 1

City, State, Zip Williamsport, PA 17701

Township(s) Lycoming Township and Old Lycoming

Township

County **Lycoming County**

Receiving Stream(s) and Classification(s) Beautys Run

(EV, MF), Thorne Brook (EV, MF)

Application Received: July 21, 2023

Issued: September 8, 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 **ESG070223007-00**

Applicant Name **Range Resources—Appalachia, LLC**

Contact Person Karl Matz, (724) 873-3090

kmatz@rangeresources.com

Address 0.5 mile South of Sun Mine Road and Anderson

Road

City, State, Zip Tarentum, PA 15084

Township(s) Fawn Township

County **Allegheny County**

Receiving Stream(s) and Classification(s) 001: Lat

40.66748, Long -79.81634, UNT to Bull Creek, Ch 93

Class: TSF 002: Lat 40.66695, Long -79.81273, UNT to

Bull Creek, Ch 93 Class: TSF

Application received: August 11, 2023

Issued: September 11, 2023

#### ESCGP # 3 **ESG073023014-00**

Applicant Name **EQT Prod Co**

Contact Person Todd Klaner, (724) 746-9043

TKlaner@eqt.com

Address Jollytown Road

City, State, Zip New Freeport, PA 15352

Township(s) Gilmore Township

County **Greene County**

Receiving Stream(s) and Classification(s) F 001. Lat

39.76730, Long -80.36473, UNT to Bloody Run, Ch 93

class WWF 002. Lat 39.76610, Long -80.36943, UNT to

Bloody Run, Ch 93 class WWF 003. Lat 39.76507 Long

-80.37618, UNT to Bloody Run, Ch 93 class WWF 004.

Lat 39.76854 Long -80.37469, UNT to Bloody Run, Ch

93 class WWF

Application received: May 25, 2023

Issued: September 12, 2023

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of post-remediation 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.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Your Choice (Former Barron's Service Station)**, Storage Tank Facility ID # **40-32101**, 1130 State Route 93, Drums, PA 18222, Sugarloaf Township, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of SAI Sugarloaf Realty, LLC, 1 Buckhorn Road, Bloomsburg, PA 17815 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting Statewide health and site-specific standards.

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

*Contact: Nick, 814-332-6978.*

**PA0333-76 Chestnut St**, Storage Tank Facility ID # **42-15331**, 76 Chestnut St, Bradford, PA 16701, City of Bradford, **McKean County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of PAL UST IV, LLC, 645 West Hamilton, Suite 400,

Allentown, PA 18101 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Petroleum. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

*Contact: Robin L. Yerger, LPG.*

**Rutter's 31**, Storage Tank Facility ID # **21-39506**, 1 Airport Rd, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 N Susquehanna Trail Ste C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report is intended to document the remedial actions for meeting Statewide health and site-specific 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.

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

*Contact: Eric Supey, Environmental Program Manager.*

**S&G Petro Service**, Storage Tank Facility ID # **48-22182**, 3751 Lehigh Drive, Northampton, PA 18067, Lehigh Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of S&G Petro Service, LLC, 3751 Lehigh Drive, Northampton, PA 18067 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan demonstrated attainment of the Statewide health standards and was approved by DEP on September 5, 2023.

**Convenient Food Mart 3029**, Storage Tank Facility ID # **35-08517**, 330 Northern Boulevard, Clarks Summit, PA 18411, South Abington Township, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Convenient Food Marts of Pennsylvania, 215 Clark Avenue, Clarks Summit, PA 18411 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health standards and was approved by DEP on September 5, 2023.

**Pottsville Fuel Stop**, Storage Tank Facility ID # **54-50599**, 1471 SR 61, Pottsville, PA 17901, New Castle Township, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Pottsville Fuel Stop, Inc., 1471 SR 61, Pottsville, PA 17901 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report demonstrated attainment of the site-specific standards and was approved by DEP on September 7, 2023.

**Bear Mart formerly Turnpike Mobil**, Storage Tank Facility ID # **40-19230**, 2999 Bear Creek Boulevard, Bear Creek, PA 18702, Bear Creek Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Zora Investments, LLC, 95 South Mountain Boulevard, Mountain Top, PA 18707 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on September 11, 2023.

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

*Contact: Robin L. Yerger, LPG.*

**Rutter's 31**, Storage Tank Facility ID # **21-39506**, 1 Airport Rd, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. United Environmental Services, Inc., 2295 N Susquehanna Trail Ste C, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 N Susquehanna Trail Ste C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on August 30, 2023.

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

*Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.*

**007 Carwash**, Storage Tank Facility ID # **23-02719**, 450 S. 69th St., Upper Darby, PA 19082, Upper Darby Township, **Delaware County**. Center Point Tank Services, Inc., 536 E. Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of Eastern Darby Realty Associates, 450 South 69th Street, Upper Darby, PA 19082 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan was not acceptable to meet the nonresidential Statewide health standards and was disapproved by DEP on August 10, 2023.

**Lukoil 69703**, Storage Tank Facility ID # **46-42593**, 101 Crawford Ave., Conshohocken, PA 19428, West Conshohocken Borough, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2 and 3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan was acceptable to meet the residential Statewide health standards and was approved by DEP on August 10, 2023.

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## SPECIAL NOTICES

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### WATER PROGRAMS

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**Public Hearing Notice for NPDES Permit Application PAD390265, 2951 Betz Court Site, Orefield, PA, Lowhill Township, Lehigh County.**

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

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

On October 19, 2022, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the 2951 Betz Court Site, Orefield, PA in Lowhill Township, Lehigh County. The application was deemed administratively complete on January 6, 2023. Written public comments were received during the public comment period.

The Department will hold a public hearing to accept additional comments on the documentation and plans associated with the Individual NPDES Permit Application No. PAD390265 for the discharge of stormwater from construction activities to the following receiving watercourses:

UNT to Jordan Creek (HQ-CWF, MF) and EV Wetlands

The applicant is as follows:

- CRG Services Management, LLC 300 Barr Harbor Drive, Suite 720 Conshohocken, PA 19428

*Contact: Fred Ferraro, CRG Services Management, LLC.*

The public hearing will be conducted on Wednesday, October 25, 2023 from 7:45 p.m.—9:15 p.m. at the Germansville Volunteer Fire Company located at 6011 Memorial Rd, Germansville, PA 18053. Representatives from the Department's Waterways & Wetlands Program,



the Lehigh County Conservation District and CRG Services Management will be in attendance.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: cconnolly@pa.gov. The Department will accept requests up to the day of the hearing. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAD390265 documentation and plans. Written copies of oral testimony are requested. All comments, whether delivered orally during the hearing or submitted in writing will carry equal weight and consideration with DEP. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: coconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Lehigh County Conservation District Office, 4184 Dorney Park Road, Suite 105, Allentown, PA at (610) 391-9583 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

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**Public Hearing Notice for NPDES Permit Application PAD390269 for the Core5 at Route 100, Orefield, PA, Lowhill Township, Lehigh County.**

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

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

On February 2, 2023, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the Core5 at Route 100, Orefield, PA in Lowhill Township, Lehigh County. The application was deemed administratively complete on May 5, 2023. Written public comments were received during the public comment period.

The Department will hold a public hearing to accept additional comments on the documentation and plans associated with the Individual NPDES Permit Application No. PAD390269 for the discharge of stormwater from construction activities to the following receiving watercourses:

Tributary to Jordan Creek (aka Cherith Brook) (HQ-CWF, MF).

The applicant is as follows:

- Core5 Industrial Partners, 1250 N. Mountain Road, Harrisburg, PA 17112.

*Contact: Brian Reisinger, Core5 Industrial Partners.*

The public hearing will be conducted on Wednesday, October 25, 2023 from 6 p.m.—7:30 p.m. at the Germansville Volunteer Fire Company located at 6011 Memorial Rd, Germansville, PA 18053. Representatives from the Department's Waterways & Wetlands Program, the Lehigh County Conservation District and Core5 Industrial Partners will be in attendance.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: cconnolly@pa.gov. The Department will accept requests up to the day of the hearing. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAD390269 documentation and plans. Written copies of oral testimony are requested. All comments, whether delivered orally during the hearing or submitted in writing will carry equal weight and consideration with DEP. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: coconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Lehigh County Conservation District Office, 4184 Dorney Park Road, Suite 105, Allentown, PA at (610) 391-9583 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

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**WASTE, AIR, RADIATION AND REMEDIATION**

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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania.**

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*Central Office: Radiation Protection Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

*Contact: 717-783-3594 Austyn Shank.*

In the month of August 2023, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).



<i>Name</i>	<i>Address</i>	<i>Certification</i>
Brian Kampi	2175 Ridge Drive Mars, PA 16046-4107	Testing Individual
Derek Pearsall	207 Chestnut Street Richland, PA 17087	Testing Individual
Fred Hohman	26 Windhill Drive Greensburg, PA 15601-1043	Testing Individual
Lewis Nelson, IV	460 Newell Drive Huntingdon Valley, PA 19006-4036	Testing Individual
First Choice Radon Co, Inc.	460 Newell Drive Huntingdon Valley, PA 19006-4036	Testing Firm
Joseph Poplawski	4090 Airport Road Allentown, PA 18109-9440	Testing Individual
Neil Minnucci	955 Allentown Road Allentown, PA 19446-5207	Testing Individual
Dominic Gehret	200 Route 130 North Cinnminason, NJ 08077	Laboratory Individual
Barbara Fischer	1385 N River Road Yardley, PA 19067-1327	Testing Individual
Benedict Ugorji	757 Beatty Street Trenton, NJ 08611-2525	Mitigation Individual
Jook Ro	30 Sunset Drive Carlisle, PA 17013-2125	Testing Individual
Jook Ro	30 Sunset Drive Carlisle, PA 17013-2125	Mitigation Individual
Erik Gertsen	915 Samantha Circle Chester Springs, PA 19425-2118	Testing Individual
Salena Ling	4900 Carlisle Pike #277 Mechanicsburg, PA 17050-7709	Testing Individual
Precision Inspections & Radon Solutions	4900 Carlisle Pike #277 Mechanicsburg, PA 17050-7709	Testing Firm
David Kapturowski	6951 Allentown Blvd Ste N Harrisburg, PA 17112-3374	Laboratory Individual
Albert Morris	35 Clarendon Drive Easton, PA 18040-8302	Testing Individual
George Curry	P.O. Box 508 Medford, NJ 08055-0508	Mitigation Individual
Geo Environmental	P.O. Box 508 Medford, NJ 08055-0508	Mitigation Firm
Maren Smith	4851 Tamiami Trail N Ste 200 Naples, FL 34104	Testing Individual
Charles Gutridge	1614 Laurelwood Road Pottstown, PA 19465-7834	Mitigation Individual

[Pa.B. Doc. No. 23-1290. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Issuance of General Plan Approval and/or General Operating Permit for Coal-Mine Methane En- closed Flares (BAQ-GPA/GP-21)

In accordance with section 6.1(f) of the Air Pollution Control Act (35 P.S. § 4006.1(f)) and 25 Pa. Code Chapter

127, Subchapter H (relating to general plan approvals and operating permits), the Department of Environmental Protection (Department) has issued the General Plan Approval and/or General Operating Permit for Coal-Mine Methane Enclosed Flares (BAQ-GPA/GP-21) with an effective date of September 22, 2023.

The Department published a notice regarding the availability of the proposed GP-21 for public review and comment at 53 Pa.B. 3476 (July 1, 2023), in six newspa-

pers of general circulation and sent to nearby states and the United States Environmental Protection Agency. The public comment period ended on August 15, 2023. The Department prepared a comment and response document that summarizes the comments received.

Applicants may seek authorization to use GP-21 by submitting the General Permit application to the appropriate Department regional office. Applicants must receive the Department's written approval prior to constructing or operating, or both, coal-mine methane enclosed flares authorized under this General Permit. The Department will publish notice of each authorization to use GP-21 in the *Pennsylvania Bulletin*.

A copy of the General Permit with related documents, including the comment and response document and technical support document, can be obtained by contacting David Clark, P.O. Box 8468, Harrisburg, PA 17105, (717) 772-3942, davclark@pa.gov. The documents are available on the Department's web site at <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3623>.

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-1291. Filed for public inspection September 22, 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>
Children's Hospital of Philadelphia Brandywine Valley Specialty Care and Surgery	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 559.2(1)—(5) (relating to director of nursing)
	28 Pa. Code § 559.3(c) (relating to nursing personnel)
Chop Bucks Specialty Care and Ambulatory Surgery Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
GSH Outpatient Surgery Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Wellspan Chambersburg Endoscopy Center, LLC	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Wellspan Dr. Roy A. Himelfarb Surgery Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Wellspan Surgery Center—Hanover	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Wellspan Surgical Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)

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, 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. 23-1292. Filed for public inspection September 22, 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>
The Children's Hospital of Philadelphia	28 Pa. Code § 101.4 (relating to definitions)
	28 Pa. Code § 109.7 (relating to nursing staff qualifications)
The Robert Packer Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Select Specialty Hospital—Central Pennsylvania Harrisburg	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Troy Community Hospital, Inc.	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Uniontown Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wellspan Surgery and Rehabilitation Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wellspan York Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wilkes-Barre General Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7

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. 23-1293. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

#### Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Square footage</i>	0—999 sq/ft	1,000—4,999 sq/ft	5,000—9,999 sq/ft	10,000—19,999 sq/ft	20,000—99,999 sq/ft
<i>Peer group</i>	5	4	3	2	1
<i>Number of cash registers</i>	0-1	2—4	5—9	10—19	20+
				<i>Geography</i>	
<i>Weighting</i>			<i>Population Ranges</i>		<i>Density</i>
<i>Square footage</i>	30%		0—69,999	Remote Rural	0—50
<i>Registers</i>	30%		70,000—124,999	Rural	51—99
<i>Geography</i>	40%		125,000—249,999	Slightly Urban	100—199
			250,000—499,999	Urban	200—499
			500,000—999,999	Metro Market Edge	500—1,000
			1,000,000+	Metro Market Center	1,000+

#### Competitive Prices for Peer Group 1 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 1 Stores.

##### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2023, through December 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	1	\$4.86
Brown Rice (16 oz.)	1	\$1.66
Canned Beans (15.5—16 oz. can)	1	\$1.72
Cereal (per oz.)	1	\$0.44
Cheese—16 oz.	1	\$7.72
Cheese—Kosher—16 oz.	1	\$15.50
Dried Beans/peas (1 pound)	1	\$2.69
Fresh shell eggs (dozen)	1	\$3.32
Infant Cereal (8 oz. container)	1	\$3.70
Infant Fruits (4 oz. or 2—2 oz. pack)	1	\$1.48
Infant Meats (2 oz. container)	1	\$1.76
Infant Vegetables (4 oz. or 2—2 oz. pack)	1	\$1.51
Juice 11.5/12 oz.	1	\$3.35
Juice 48 oz.	1	\$4.88

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Juice 64 oz.	1	\$5.12
Light Tuna (5 oz. can)	1	\$1.76
Milk—Kosher—Low Fat 1/2 gallon	1	\$5.34
Milk—Low Fat 1/2 gallon	1	\$2.97
Milk—Whole—Kosher 1/2 gallon	1	\$5.69
Milk—Whole 1/2 gallon	1	\$3.37
Oats (16 oz.)	1	\$2.41
Peanut Butter (16—18 oz.)	1	\$4.11
Salmon (6 oz. can)	1	\$3.90
Sardines (3.75 oz. can)	1	\$1.90
Similac Adv Conc 13 oz.	1	\$8.33
Similac Adv Pwd 12.4 oz.	1	\$26.63
Similac Isomil Pwd 12.4 oz.	1	\$26.56
Tortilla (16 oz.)	1	\$4.17
Whole Wheat Pasta 16 oz.	1	\$2.31

#### Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

##### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2023, through December 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:



<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	2	\$5.30
Brown Rice (16 oz.)	2	\$2.15
Canned Beans (15.5—16 oz. can)	2	\$1.85
Cereal (per oz.)	2	\$0.51
Cheese—16 oz.	2	\$8.58
Cheese—Kosher—16 oz.	2	\$18.00
Dried Beans/peas (1 pound)	2	\$2.83
Fresh shell eggs (dozen)	2	\$3.48
Infant Cereal (8 oz. container)	2	\$4.37
Infant Fruits (4 oz. or 2—2 oz. pack)	2	\$1.57
Infant Meats (2 oz. container)	2	\$1.90
Infant Vegetables (4 oz. or 2—2 oz. pack)	2	\$1.57
Juice 11.5/12 oz.	2	\$4.03
Juice 48 oz.	2	\$5.49
Juice 64 oz.	2	\$6.01
Light Tuna (5 oz. can)	2	\$1.89
Milk—Kosher—Low Fat 1/2 gallon	2	\$5.72
Milk—Low Fat 1/2 gallon	2	\$3.10
Milk—Whole—Kosher 1/2 gallon	2	\$5.99
Milk—Whole 1/2 gallon	2	\$3.47
Oats (16 oz.)	2	\$2.82
Peanut Butter (16—18 oz.)	2	\$4.23
Salmon (6 oz. can)	2	\$4.68
Sardines (3.75 oz. can)	2	\$2.05
Similac Adv Conc 13 oz.	2	\$9.19
Similac Adv Pwd 12.4 oz.	2	\$29.86
Similac Isomil Pwd 12.4 oz.	2	\$29.58
Tortilla (16 oz.)	2	\$4.69
Whole Wheat Pasta (16 oz.)	2	\$2.64

**Competitive Prices for Peer Group 3 Stores**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2023, through December 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	3	\$5.34
Brown Rice (16 oz.)	3	\$2.31
Canned Beans (15.5—16 oz. can)	3	\$1.91
Cereal (per oz.)	3	\$0.52
Cheese—16 oz.	3	\$8.84

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Cheese—Kosher—16 oz.	3	\$19.75
Dried Beans/peas (1 pound)	3	\$2.94
Fresh shell eggs (dozen)	3	\$3.71
Infant Cereal (8 oz. container)	3	\$4.68
Infant Fruits (4 oz. or 2—2 oz. pack)	3	\$1.66
Infant Meats (2 oz. container)	3	\$2.02
Infant Vegetables (4 oz. or 2—2 oz. pack)	3	\$1.68
Juice 11.5/12 oz.	3	\$4.30
Juice 48 oz.	3	\$5.54
Juice 64 oz.	3	\$6.40
Light Tuna (5 oz. can)	3	\$1.95
Milk—Kosher—Low Fat 1/2 gallon	3	\$6.24
Milk—Low Fat 1/2 gallon	3	\$3.42
Milk—Whole—Kosher 1/2 gallon	3	\$6.49
Milk—Whole 1/2 gallon	3	\$3.59
Oats (16 oz.)	3	\$3.17
Peanut Butter (16—18 oz.)	3	\$4.30
Salmon (6 oz. can)	3	\$4.76
Sardines (3.75 oz. can)	3	\$2.20
Similac Adv Conc 13 oz.	3	\$11.70
Similac Adv Pwd 12.4 oz.	3	\$32.45
Similac Isomil Pwd 12.4 oz.	3	\$32.85
Tortilla (16 oz.)	3	\$4.77
Whole Wheat Pasta (16 oz.)	3	\$3.12

**Competitive Prices for Peer Group 4 Stores**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2023, through December 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	4	\$6.27
Brown Rice (16 oz.)	4	\$2.76
Canned Beans (15.5—16 oz. can)	4	\$2.47
Cereal (per oz.)	4	\$0.61
Cheese—16 oz.	4	\$10.56
Cheese—Kosher—16 oz.	4	\$21.85
Dried Beans/peas (1 pound)	4	\$3.26
Fresh shell eggs (dozen)	4	\$4.26
Infant Cereal (8 oz. container)	4	\$5.62

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Infant Fruits (4 oz. or 2—2 oz. pack)	4	\$1.89
Infant Meats (2 oz. container)	4	\$2.28
Infant Vegetables (4 oz. or 2—2 oz. pack)	4	\$1.77
Juice 11.5/12 oz.	4	\$4.78
Juice 48 oz.	4	\$6.45
Juice 64 oz.	4	\$7.45
Light Tuna (5 oz. can)	4	\$2.21
Milk—Kosher—Low Fat 1/2 gallon	4	\$6.97
Milk—Low Fat 1/2 gallon	4	\$4.04
Milk—Whole—Kosher 1/2 gallon	4	\$7.09
Milk—Whole 1/2 gallon	4	\$4.46
Oats (16 oz.)	4	\$4.90
Peanut Butter (16—18 oz.)	4	\$5.67
Salmon (6 oz. can)	4	\$5.62
Sardines (3.75 oz. can)	4	\$2.95
Similac Adv Conc 13 oz.	4	\$14.30
Similac Adv Pwd 12.4 oz.	4	\$38.23
Similac Isomil Pwd 12.4 oz.	4	\$38.99
Tortilla (16 oz.)	4	\$5.04
Whole Wheat Pasta (16 oz.)	4	\$3.56

#### Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

#### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2023, through December 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread (16 oz.)	5	\$6.77
Brown Rice (16 oz.)	5	\$4.29
Canned Beans (15.5—16 oz. can)	5	\$2.78
Cereal (per oz.)	5	\$0.64
Cheese—16 oz.	5	\$13.57
Cheese—Kosher—16 oz.	5	\$23.80
Dried Beans/peas (1 pound)	5	\$3.87
Fresh shell eggs (dozen)	5	\$5.44
Infant Cereal (8 oz. container)	5	\$6.34
Infant Fruits (4 oz. or 2—2 oz. pack)	5	\$2.02
Infant Meats (2 oz. container)	5	\$2.43
Infant Vegetables (4 oz. or 2—2 oz. pack)	5	\$2.13
Juice 11.5/12 oz.	5	\$4.85

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Juice 48 oz.	5	\$7.37
Juice 64 oz.	5	\$8.91
Light Tuna (5 oz. can)	5	\$2.86
Milk—Kosher—Low Fat 1/2 gallon	5	\$7.65
Milk—Low Fat 1/2 gallon	5	\$5.42
Milk—Whole—Kosher 1/2 gallon	5	\$8.19
Milk—Whole 1/2 gallon	5	\$5.28
Oats (16 oz.)	5	\$5.85
Peanut Butter (16—18 oz.)	5	\$6.76
Salmon (6 oz. can)	5	\$5.93
Sardines (3.75 oz. can)	5	\$3.76
Similac Adv Conc 13 oz.	5	\$17.39
Similac Adv Pwd 12.4 oz.	5	\$44.71
Similac Isomil Pwd 12.4 oz.	5	\$42.17
Tortilla (16 oz.)	5	\$6.25
Whole Wheat Pasta (16 oz.)	5	\$3.86

#### United States Department of Agriculture (USDA) Nondiscrimination Statement:

In accordance with Federal civil rights law and the USDA civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (for example, Braille, large print, audiotape, American Sign Language), should contact the responsible State or local agency that administers the program or the USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact the USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to the USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax: (833) 256-1665 or (202) 690-7442, Program.Intake@usda.gov.

This institution is an equal opportunity provider.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing-impaired persons, call the

Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Pennsylvania WIC program is funded by the USDA. The USDA is an equal opportunity provider.

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-1294. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share and Supplemental Hospital Payments

The Department of Human Services (Department) is announcing its intent to allocate \$258.220 million for Fiscal Year (FY) 2023-2024 inpatient disproportionate share hospital (DSH) payments to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals and qualifying psychiatric and rehabilitation units of acute care general hospitals, outpatient supplemental payments to qualifying inpatient acute care general hospitals, direct medical education payments to qualifying inpatient acute care general hospitals and certain DSH and supplemental payments to new hospitals.

The Department is not otherwise changing the State Plan provisions addressing the qualifying criteria or payment methodology for these payments. Payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2023-2024 fiscal impact is expected to be \$258.220 million in total funds for the full 12 months, upon approval by the Centers for Medicare & Medicaid Services. The amount of the fiscal impact is, however, dependent upon the reauthorization of the Statewide Quality Care Assessment.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or to RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Secretary*

**Fiscal Note:** 14-NOT-1590. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2023-24 is \$106,846,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$0; (4) 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; (7) Medical Assistance—Fee-for-Service; (8)

recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 23-1295. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Managed Care Quality Strategy for the Commonwealth

The Department of Human Services (Department) is making available for public review and comment the Medical Assistance (MA) and Children's Health Insurance Program (CHIP) Managed Care Quality Strategy for the Commonwealth.

#### *Background*

The Centers for Medicare & Medicaid Services (CMS) requires states to draft and implement a written quality strategy for assessing and improving the quality of health care and services furnished by managed care organizations (MCO) that have an agreement with the Department (see 42 CFR 438.340(a) and 457.1240(e) (relating to managed care State quality strategy; and quality measurement and improvement)). As a result, the Department has developed the MA and CHIP Managed Care Quality Strategy (MCQS), which discusses the various initiatives the Department has implemented to improve the quality of care for individuals receiving services through its managed care programs. The MCQS for the Commonwealth is not intended to comprehensively describe all the activities the Department undertakes to assure the quality of care rendered to individuals who are receiving services through its managed care programs.

The MCQS is an updated version of the previous quality strategy submitted to CMS in December 2020, and describes initiatives, strategies and processes to improve, evaluate and monitor member access to high quality, timely care through the Medicaid and CHIP managed care delivery system. The novel coronavirus (COVID-19) pandemic and ongoing post-pandemic delivery system pressures have affected and changed how the MCOs deliver care. As a result of these and other changes in how the MCOs deliver care, the Department has refocused and revised its quality goals, objectives and strategies.

#### *Discussion*

As the delivery system landscape continues to respond and evolve, this MCQS provides a roadmap for the Department to support improved quality for all MA managed care and CHIP members. Across the Department and as detailed throughout the MCQS, the Department strives to improve the health of members in each of its managed care programs through the implementation of strategic initiatives that support its three main goals:

1. Increase access to health care services.
2. Improve the health outcomes of populations.
3. Promote efficient and effective use of taxpayer resources.

The MCQS takes a broad view of opportunities to improve member health by focusing on domains of increasing value, supporting health equity and addressing Social Determinates of Health (SDOH) in its managed



care programs using the MCO agreements and programmatic initiatives. The Department is working on a Value-Based purchasing strategy to align the program offices. The Department is also using several CMS-approved State directed payments to support the goals of increasing access, improving health outcomes and promoting the effective use of resources. At the same time the Commonwealth, MCOs, providers and members are all emerging from the COVID-19 pandemic with new approaches and opportunities, as well as facing ongoing challenges, including workforce and supply chain issues.

The Office of Medical Assistance Programs' (OMAP) key initiatives continue to be centered around value-based purchasing and requiring the MCOs to incorporate the use of community-based organizations in their value-based purchasing strategies to address SDOH domains. OMAP is also encouraging expanded use of Opioid Use Disorder Centers of Excellence as well as using pay-for-performance to improve the health for the population in HealthChoices.

The Office of Mental Health and Substance Abuse Services' (OMHSAS) key quality improvement initiatives include value-based purchasing arrangements, like OMAP, that incorporate the use of community-based organizations to address SDOH domains. OMHSAS continues to use Integrated Community Wellness Centers to increase SDOH screenings and promote integrated physical and behavioral health care for patients, as well as pay-for-performance to improve performance and outcomes.

The Office of Long-Term Living quality improvement initiatives included requiring value-based purchasing models for long-term services and supports, requiring a pay-for-performance program to improve the quality of nursing facility services as well as Performance Improvement Program for performance around assessments, care plans reassessments and planning after discharge, Consumer Assessment of Healthcare Providers and Systems health plan satisfaction and meeting nursing home transition benchmarks.

The CHIP key quality improvement initiatives include developing a pay-for-performance incentive for meeting or exceeding benchmarks on health care performance measures.

Finally, key quality improvement initiatives for the Adult Community Autism Program include decreasing social isolation among members.

The MCQS for the Commonwealth can be viewed at <https://www.dhs.pa.gov/healthchoices/pages/managed-care-quality-strategy.aspx>.

#### *Public Comment*

Interested persons are invited to submit comments regarding the MCQS for the Commonwealth to the Department at [RA-PWQualityStrategy@pa.gov](mailto:RA-PWQualityStrategy@pa.gov). Comments received within 30 days will be reviewed and considered before the MCQS is submitted to CMS for review.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Secretary*

**Fiscal Note:** 14-NOT-1591. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1296. Filed for public inspection September 22, 2023, 9:00 a.m.]

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## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Hollow Road, Point Township, Northumberland County, approximately 0.4 mile east of the intersection with State Route 405. The parcel contains 3.362 acres of unimproved land. The estimated fair market value is \$13,500.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeffrey M. Wenner, PE, District Right-of-Way Administrator, Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1297. Filed for public inspection September 22, 2023, 9:00 a.m.]

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## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following list of properties is available for sale by the Department:

1. State Route 198, Parcel No. 9, Tax ID # 4501-006, located in Saegertown Borough, Crawford County. This is an uneconomic remnant and contains 7,651 square feet of unimproved land situated at Main Street, Saegertown, PA 16433. The estimated fair market value is \$3,800. It has been determined that the land is no longer needed for present or future transportation purposes.

2. State Route 198, Parcel No. 10, Tax ID # 4501-007, located in Saegertown Borough, Crawford County. This is an uneconomic remnant and contains 8,206 square feet of unimproved land situated at Main Street, Saegertown, PA 16433. The estimated fair market value is \$4,100. It has been determined that the land is no longer needed for present or future transportation purposes.

3. State Route 198, Parcel No. 16, Tax ID # 4501-003, located in Saegertown Borough, Crawford County. This is



an uneconomic remnant and contains 1,371 square feet of unimproved land situated at Main Street, Saegertown, PA 16433. The estimated fair market value is \$170. It has been determined that the land is no longer needed for present or future transportation purposes.

Public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Deborah Knapp, Engineering District 1-0, Right-of-Way Unit, 255 Elm Street, Oil City, PA 16301.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1298. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Ulster, Bradford County, on the west side of State Route 220. The parcel is south of the intersection of State Route 220 and Bridge Street and north of Farr Street. The parcel contains 1,113 square feet of unimproved land. The estimated fair market value is \$3,670.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeffrey M. Wenner, PE, District Right-of-Way Administrator, Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1299. Filed for public inspection September 22, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Proposed Disadvantaged Business Enterprise Goal Methodology for Participation in Federal Highway Administration Funded Contracts for Federal Fiscal Years 2024—2026

The Department of Transportation (Department) is providing notice of its proposed Federal Highway Administration Disadvantaged Business Enterprise Goal Methodology for Federal Fiscal Years 2024—2026.

The proposed methodology used in determination of the goals is available for inspection during normal business hours at the Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891, (800) 468-4201.

The document can also be viewed online at <https://equalopportunity.pennndot.pa.gov>. The document will be available for inspection for 30 days from the date of this notice. The Department will accept written comments on the methodology during this period. Comments, questions or suggestions regarding this notice may be directed in writing to Megan Peterson, Acting Director, Bureau of Equal Opportunity, at the previously listed address.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-1300. Filed for public inspection September 22, 2023, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The October 10, 2023, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, November 14, 2023. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board," then "2023 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 14, 2023, meeting can be directed to Laura Griffin at [laurgriffi@pa.gov](mailto:laurgriffi@pa.gov) or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RICHARD NEGRIN,  
*Chairperson*

[Pa.B. Doc. No. 23-1301. Filed for public inspection September 22, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Merger of Polish National Union of America with and into The Polish National Alliance of the United States of North America

An application has been received requesting approval of the merger of Polish National Union of America, a fraternal benefit society organized under the laws of the Commonwealth, with and into The Polish National Alliance of the United States of North America, a fraternal benefit society organized under the laws of Illinois. The filing was made under section 2425 of The Insurance Company Law of 1921 (40 P.S. § 991.2425).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a

written statement to the Insurance Department (Department) within 5 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Lori Rumpf, lrumpf@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-1302. Filed for public inspection September 22, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The proceedings will be governed in accordance with the requirements of Act 68; 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). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for October 2, 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 28, 2023.

The video hearing will be held virtually by means of Zoom. The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126 or ra-hearings@pa.gov.

Appeal of Matthew J. Wholey; Travelers Home and Marine Insurance Company; File No. 23-119-283560; Doc. No. P23-07-024; October 12, 2023, 1 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-1303. Filed for public inspection September 22, 2023, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on November 1, 2023, beginning at 9 a.m. The hearing will be held in Room 309, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2022 and 2023; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area 3. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area 3. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on September 26, 2023, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on September 26, 2023, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on October 4, 2023, Board staff shall file with the Board, in person or electronically, one hard copy and ensure receipt by all other parties of one electronic copy of:

a. A list of witnesses who will testify for Staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on October 18, 2023, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on October 24, 2023, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [deberly@pa.gov](mailto:deberly@pa.gov) and received by 12 p.m. on October 19, 2023.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 23-1304. Filed for public inspection September 22, 2023, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on November 1, 2023, beginning at 9:30 a.m. The hearing will be held in Room 309, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2022 and 2023; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area 5. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area 5. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on September 26, 2023, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on September 26, 2023, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on October 4, 2023, Board staff shall file with the Board one electronic copy and ensure receipt by all other parties of one electronic copy, of:

a. A list of witnesses who will testify for Staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on October 18, 2023, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on October 24, 2023, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [deberly@pa.gov](mailto:deberly@pa.gov) and received by 12 p.m. on October 19, 2023.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 23-1305. Filed for public inspection September 22, 2023, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on November 1, 2023, beginning at 9:45 a.m. The hearing will be held in Room 309, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first



halves of calendar years 2022 and 2023; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area 6. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area 6. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on September 26, 2023, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on September 26, 2023, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on October 4, 2023, Board staff shall file with the Board one electronic copy and ensure receipt by all other parties of one electronic copy, of:

a. A list of witnesses who will testify for Staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on October 18, 2023, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on October 24, 2023, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [deberly@pa.gov](mailto:deberly@pa.gov) and received by 12 p.m. on October 19, 2023.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 23-1306. Filed for public inspection September 22, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2023-3042807. National Fuel Gas Distribution Corporation.** Application for approval of abandonment of service by National Fuel Gas Distribution Corporation for two natural gas service customers located in Washington Township, Armstrong County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 10, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 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 only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or they may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicant:* National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, NY 14221

*Through and By Counsel for:* Anthony D. Kanagy, Garrett P. Lent, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 612-6034, [akanagy@postschell.com](mailto:akanagy@postschell.com), [glent@postschell.com](mailto:glent@postschell.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1307. Filed for public inspection September 22, 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 October 9, 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 October 9, 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-2023-3041763. H2H Air Solutions Limited Liability Company** (2375 Woodward Street, Apartment 803, Philadelphia, Philadelphia County, PA 19115) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency medical paratransit service for the medical assistance transportation program, between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

**A-2023-3042292. Journey Together Transportation, LLC** (2417 Welsh Road, Suite 21, Philadelphia, Philadelphia County, PA 19114) for the right to begin to transport, as a common carrier, by motor vehicle, persons who are physically, intellectually or developmentally disabled in nonemergency medical paratransit service, between points in the Counties of Berks and Dauphin, and the City and County of Philadelphia.

**A-2023-3042829. Quality Care Transport Service, Ltd, t/a Quality Care & Transport Service** (4111 Aston Mills Road, Aston, Delaware County, PA 19014) for the right to begin to transport, as a common carrier, by motor vehicle, clients of the organization Preparing Adolescents and Adults for Life in paratransit service, from points in Chester County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 23-1308. Filed for public inspection September 22, 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 October 10, 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. Scott Abreu Sprinter Services, LLC, t/a SAS Delivery;  
Doc. No. C-2023-3032421**

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Scott Abreu Sprinter Services, LLC, t/a SAS Delivery, Respondent, maintains a principal place of business at 1124 Bluebird Lane, York, PA 17402.

2. On May 11, 2022, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925109 at A-2022-3031744. Respondent was further advised "Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the *Pennsylvania Code* may be accessed on the World Wide Web at [www.pacode.com](http://www.pacode.com).

1. On March 20, 2023, a first class and certified letter was sent from the Harrisburg Regional Office to the respondent requesting the respondent contact PA PUC Enforcement Officer Enid Scharl within 10 days. Further attempts were made to contact the Respondent to complete the Safety Fitness Review as a requirement of the certificate of authority granted. No response has been received.

2. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925109.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to Scott Abreu Sprinter Services, LLC, t/a SAS Delivery at PUC utility code number 8925109.

Respectfully submitted,  
Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
100 Lackawanna Avenue  
Room 320  
Scranton, PA 18503

### VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, 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: 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, 3rd Floor  
Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. T & B Trucking, LLC; Doc. No. C-2023-3036766**

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 del-

egated 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 T & B Trucking, LLC, Respondent, maintains a mailing address of 13919 N May Avenue 204, Oklahoma City, OK 73134 and physical place of business at 326 East Franklin Street, Waynesboro, PA 15320.

2. On October 28, 2022, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925684 at A-2022-3036369.

3. On November 28, 2022, Officer Mia Fuller attempted to contact T & B Trucking and recorded a voicemail requesting the Respondent return the call.

4. On December 5, 2022, Officer Fuller and PUC Supervisor James Murray visited the physical address and contacted a gentleman who said he would be in contact with Officer Fuller or Supervisor Murray soon.

5. On December 28, 2022, a first class and certified letter was sent from the Western Regional Office to the mailing address of the Respondent requesting contact PA PUC Enforcement Officer Mia Fuller within 10 days. The certified letter was delivered on January 3, 2023. Further attempts were made to contact the Respondent by phone and email to complete the Safety Fitness Review as a requirement of the certificate of authority granted. No response has been received.

6. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925684.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to T & B Trucking, LLC at PUC utility code number 8925684.

Respectfully submitted,  
Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
100 Lackawanna Avenue  
Room 320  
Scranton, PA 18503

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove 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: 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, 3rd Floor  
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. K3 Trucking, LLC; Doc. No. C-2023-3037202**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That K3 Trucking, LLC, Respondent, maintains a mailing address of PO Box 641, Donora, PA 15033.

2. On November 18, 2022, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925718 at A-2022-3036667.

3. On December 15, 2022, PUC Supervisor James Murray spoke to Kevin Miller, owner, and explained the Safety Fitness Review and items to be reviewed.

4. On January 6, 2023, through April 21, 2023, Supervisor Murray spoke with and/or texted Respondent requesting contact with Supervisor Murray.

5. On April 27, 2023, a first class and certified letter was sent from the Western Regional Office to the mailing address of the Respondent requesting contact PA PUC Enforcement Supervisor Murray within 10 days. The certified letter was delivered returned to the Regional Office unclaimed on June 20, 2023. No response has been received.

6. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925718.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to K3 Trucking, LLC at PUC utility code number 8925718.

Respectfully submitted,  
 Andrew Turriziani, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 100 Lackawanna Avenue  
 Room 320  
 Scranton, PA 18503

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove 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: 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, 3rd Floor  
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-1309. Filed for public inspection September 22, 2023, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than October 10, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-23-09-01. SP Taxi, LLC** (2668 Welsh Road, Philadelphia, PA 19152): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points

within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David Temple, Esq., 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

RICH LAZER,  
*Executive Director*

[Pa.B. Doc. No. 23-1310. Filed for public inspection September 22, 2023, 9:00 a.m.]

## STATE BOARD OF NURSING

### Automatic Suspension of the License to Practice Practical Nursing of Dawn-Marie Lena Hunt, LPN; File No. 21-51-017088

*Notice to Dawn-Marie Lena Hunt, LPN:*

On September 8, 2022, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted formal administrative action against you by filing a Petition for Automatic Suspension before the State Board of Nursing (Board) alleging that your license to practice practical nursing is subject to automatic suspension under section 17.1(b) of the Practical Nurse Law, Act of March 2, 1956, P.L. 1956-1211 ("Act"). This notice is being published pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing service of process upon you by publication.

#### Notice

Formal disciplinary action has been filed against you. Your license to practice practical nursing in the Commonwealth of Pennsylvania shall be AUTOMATICALLY SUSPENDED under the authority of Section 17.1(b) of the Act, effective twenty days from the date of publication of this Notice UNLESS you file a response to the Petition and a request for a hearing.

If you wish to defend against the charges in the Petition or request a hearing, the procedure for doing so is explained in the Petition, Notice and Order of Automatic Suspension. You may obtain a copy of the Petition, Notice and Order by contacting the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or by telephone at (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the assistance of an attorney. All proceedings before the Board are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedure. If a response and request for a hearing are not filed within 20 days of publication of this Notice, a final order suspending your license will be issued by the State Board of Nursing. The response and any pleadings or other documents related to this matter must be filed with the Prothonotary for the Department of State at the above address. A copy of the response and request for hearing shall also be served on the prosecuting attorney identified in the Petition.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 23-1311. Filed for public inspection September 22, 2023, 9:00 a.m.]



## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Arlyn Martin—Poultry Farm 26234 Route 522 McClure, PA 178411	Snyder County/ McClure Borough	243.7	Broilers	New	Approved
Jonathan and Miriam Stoltzfus 220 Ridge Road Spring Mills, PA 16875	Centre County/ Gregg Township	120.0	Turkey Cattle Sheep Horse	New	Approved

RUSSELL REDDING,  
*Chairperson*

[Pa.B. Doc. No. 23-1312. Filed for public inspection September 22, 2023, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Receipt of Matters Subject to Intervention

In accordance with 7 Pa. Code § 179.17(d) (relating to intervention), the State Horse Racing Commission (Commission) provides notice that it has received the following timely, substantially complete and properly filed applications or petitions seeking authorization, permission or licensure renewal, or both, to engage in certain licensed racing activities within this Commonwealth:

#### Vendor Renewal Applications:

- International Sound Corporation (2023-14)
- XpressBet, LLC (2023-16)
- eBet Technologies, Inc. (2023-17)
- Penn ADW, LLC (2023-18)
- Global Tote US, LLC (2023-19)
- Robert Communication, LLC (2023-15)
- CDTIC (d/b/a TwinSpires) (2023-22)
- ODS Technologies (d/b/a TGV and Fanduel Racing) (2023-12)
- Gaming and Leisure Properties, Inc. (2023-13)

- Axcis Information Network, Inc. (2023-21)
- VICI Properties, Inc. (2023-20)

#### Totalisator Renewal Applications:

- AmTote International, Inc. (2023-23)
- United Tote Company (2023-25)
- Global Tote US, LLC (2023-24)

#### Electronic Wagering Renewal Petitions:

- Bensalem Racing Association and Keystone Turf Club, Inc. (d/b/a Parx Racetrack and Casino) (2023-27)
- Downs Racing, LP (d/b/a Mohegan Pennsylvania) (2023-26)
- Washington Trotting Association, LLC and Mountain Laurel Racing, Inc. (d/b/a The Meadows Racetrack and Casino) (2023-30)
- Presque Isle Downs, LLC (d/b/a PID) (2023-31)
- Penn National Turf Club, LLC and Mountainview Thoroughbred Racing Association, LLC (d/b/a Penn National Racecourse) (2023-29)

- Chester Downs and Marina, LLC (d/b/a Harrah's Philadelphia Casino and Racetrack) (2023-28)

#### SPMO License Renewal Applications:

- AM West Entertainment, LLC (2023-39)

2. Premier Turf Club, LLC (2023-40)
3. NYRABets, LLC (2023-41)

Under 7 Pa. Code § 179.17(b) and (e) of the Commission's adopted procedures, persons interested in intervening in the previously listed matters may file a Petition to Intervene with the Commission within 30 days of the publication of this notice.

ANTHONY SALERNO,  
*Director*  
*Bureau of Standardbred Horse Racing*

THOMAS F. CHUCKAS, Jr.,  
*Director*  
*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 23-1313. Filed for public inspection September 22, 2023, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following projects from August 1, 2023, through August 31, 2023.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.gov. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified.

#### *Water Source Approval—Issued Under 18 CFR 806.22(f):*

1. BKV Operating, LLC; Pad ID: Frystak Central Pad; ABR-201108012.R2; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 15, 2023.
2. Coterra Energy, Inc.; Pad ID: BiniewiczS P1; ABR-201308001.R2; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 15, 2023.
3. EQT ARO, LLC; Pad ID: Ann C. Good Pad A; ABR-201208009.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 15, 2023.
4. EQT ARO, LLC; Pad ID: Salt Run HC Pad A; ABR-201208007.R2; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 15, 2023.
5. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 322 Pad E; ABR-201308002.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 15, 2023.
6. Pennsylvania General Energy Company, LLC; Pad ID: SGL75 PAD B; ABR-201308004.R2; McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 15, 2023.

7. Repsol Oil & Gas USA, LLC; Pad ID: ACRES (05 229) M; ABR-201108010.R2; Windham Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 15, 2023.

8. Repsol Oil & Gas USA, LLC; Pad ID: STEPHANI (03 111); ABR-201108009.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 15, 2023.

9. Repsol Oil & Gas USA, LLC; Pad ID: VANBLARCOM (03 113) R; ABR-201108003.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 15, 2023.

10. Coterra Energy, Inc.; Pad ID: BennettC P1; ABR-201308008.R2; Jessup Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 17, 2023.

11. Coterra Energy, Inc.; Pad ID: BurkeG P1; ABR-201808001.R1; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 17, 2023.

12. Coterra Energy, Inc.; Pad ID: HauserJ P1; ABR-201808002.R1; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 17, 2023.

13. Coterra Energy, Inc.; Pad ID: MarchoW&M P1; ABR-201308009.R2; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 17, 2023.

14. EQT ARO, LLC; Pad ID: Larry's Creek F&G Pad G; ABR-201308007.R2; Mifflin Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 17, 2023.

15. Range Resources—Appalachia, LLC; Pad ID: Dog Run HC Unit 4H—6H; ABR-201308011.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 17, 2023.

16. Range Resources—Appalachia, LLC; Pad ID: Laurel Hill 9H—11H; ABR-201308010.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 17, 2023.

17. Coterra Energy, Inc.; Pad ID: PayneD P1; ABR-201308014.R2; Harford Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 22, 2023.

18. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad G; ABR-201108032.R2; McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 22, 2023.

19. Seneca Resources Company, LLC; Pad ID: DCNR 595 Pad L; ABR-201108033.R2; Bloss Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 22, 2023.

20. Chesapeake Appalachia, LLC; Pad ID: BKT; ABR-201208012.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 27, 2023.

21. Chesapeake Appalachia, LLC; Pad ID: Harlan; ABR-201208005.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 27, 2023.

22. Chesapeake Appalachia, LLC; Pad ID: Stethers; ABR-201208004.R2; Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 27, 2023.

23. Seneca Resources Company, LLC; Pad ID: Chaapel Hollow Unit; ABR-201305016.R2; Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 27, 2023.

24. Chesapeake Appalachia, LLC; Pad ID: Nina; ABR-201208003.R2; Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 28, 2023.

25. Chesapeake Appalachia, LLC; Pad ID: Ronmary; ABR-201208013.R2; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 28, 2023.

26. Coterra Energy, Inc.; Pad ID: KeevesJ P1; ABR-201308003.R2; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 28, 2023.

27. Coterra Energy, Inc.; Pad ID: MeadB P1; ABR-201308013.R2; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 28, 2023.

28. Chesapeake Appalachia, LLC; Pad ID: Borek; ABR-201208021.R2; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 29, 2023.

29. Chesapeake Appalachia, LLC; Pad ID: Tufano; ABR-201208020.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 29, 2023.

30. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 594 (02-207); ABR-201808003.R1; Bloss, Hamilton and Liberty Townships, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 29, 2023.

31. Coterra Energy, Inc.; Pad ID: CorbinJ P1; ABR-201108049.R2; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 31, 2023.

32. Repsol Oil & Gas USA, LLC; Pad ID: FREDERICK (02 109) L; ABR-201108046.R2; Hamilton Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 31, 2023.

33. SWN Production Company, LLC; Pad ID: Dropp-Range-Pad46; ABR-201308016.R2; Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 31, 2023.

34. Chesapeake Appalachia, LLC; Pad ID: Yonkin Drilling Pad # 1; ABR-201109020.R2.1; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2023.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

*Dated:* September 12, 2023

ANDREW D. DEHOFF,  
*Executive Director*

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