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for the Notices

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for the Subject Index for
January—September 2023

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

No. 587, October 2023

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Compensation Rates under Philadelphia County Rule of Judicial Administration *122-12(C); Ad- ministrative Order No. 16 of 2023

Order

And Now, this 25th day of September, 2023, *It Is Hereby Ordered, Adjudged and Decreed* that Compensation rates for court appointed counsel, appointed on or after November 1, 2023 in each Court or Division of the First Judicial District of Pennsylvania as set forth in Phila.R.J.A. *122-12(C), and President Judge General Court Regulation No. 2022-11, are increased by six percent (6%). Following hereto and made part hereof are the amended forms which reflect said increase.

Copies of the amended forms referenced in this Order are appended hereto and shall be available on the Court's website at www.courts.phila.gov/forms.

This Administrative Order shall become effective on November 1, 2023. The original Administrative Order shall be filed with the Office of Judicial Records in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order will be provided to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov>.

By the Court

HONORABLE IDEE C. FOX,
Chair
Administrative Governing Board



First Judicial District of Pennsylvania
 Court-Appointed Counsel Payment Voucher/Order
Court Appointments Made On and After November 1, 2023
Trial Division – Criminal
*See Phila. R.J.A. *122, *122-11 and *122-12*

		1.(A) INVOICE NO. FROM LETTER OF APPOINTMENT		1.(B) DATE OF APPOINTMENT	
2. ATTORNEY'S LAST NAME		ATTORNEY'S MIDDLE NAME		ATTORNEY'S FIRST NAME	
				3. PA ATTORNEY I.D. NO.	
4. ATTORNEY ADDRESS (<i>Counsel must maintain their principal office in Philadelphia</i>)				EMAIL ADDRESS:	
Philadelphia, PA _____				TELEPHONE NUMBER:	
5. DEFENDANT'S LAST NAME		MIDDLE INITIAL	DEFENDANT'S FIRST NAME		7. POLICE PHOTO NO.
			6. CPCMS NUMBER CP-51-CR-_____		
8. Preparation Fees—Payable after Verdict (check box below and fill in applicable preparation fee) <input type="checkbox"/> Capital Homicide—Lead Counsel: \$10,600.00 <input type="checkbox"/> Capital Homicide—Penalty Phase Counsel: \$7,950.00 <input type="checkbox"/> Non-Capital Homicide Trial: \$3,710.00 <input type="checkbox"/> Non-Capital Homicide—Second Chair: \$636.00 <input type="checkbox"/> Felony Trial First Degree: \$1,272.00 <input type="checkbox"/> Felony Trial—Other: \$795.00 <input type="checkbox"/> M.C. Appeal to C.P.: \$795.00 <input type="checkbox"/> Writ of certiorari to C.P.: \$477.00 <input type="checkbox"/> Plea Accepted-Diversion Felony-Treatment Court: \$795.00 <input type="checkbox"/> Successful Decertification Motion: \$1,272.00 <input type="checkbox"/> Retrial Preparation Fee: \$ _____ <input type="checkbox"/> Mistrial Preparation Fee: \$ _____ Date: ____ * Applicable Preparation Fee \$ _____			9. Specific Interim Fees—Payable at Conclusion of Event (check box below and date) <input type="checkbox"/> Fifth Amendment Witness: \$159.00 Date: _____ Name of Witness _____ <input type="checkbox"/> Fifth Amendment Witness—IGJ: \$ _____ Date: _____ <input type="checkbox"/> Specialty Court Hearing: \$106.00 Date: _____ <input type="checkbox"/> Extradition/F.O.J.: \$212.00 Date: _____ <input type="checkbox"/> Contempt Hearing: \$159.00 Date: _____ <input type="checkbox"/> Bench Warrant Hearing: \$106.00 Date: _____ <input type="checkbox"/> Violation of Probation/Parole: \$159.00 Date: _____ <input type="checkbox"/> Early Parole Petition: \$265.00 Date: _____ <input type="checkbox"/> Status Listing/Hearing \$106.00 Date: _____ <input type="checkbox"/> Motion for Reconsideration \$ 106.00 Date: _____ <input type="checkbox"/> Resentencing (Post Trial complete) \$185.50 Date: _____ <input type="checkbox"/> Refile of Charges (case disposed) \$238.50 Date: _____		
10. Maximum Fee Case Types—Payable at Conclusion of Event <input type="checkbox"/> Felony: Appellate/PCRA: Maximum Fee: \$2,544.00 °Billable at \$68.90/hour (in-court and out-of-court) <input type="checkbox"/> Homicide: Appellate/PCRA: Maximum Fee: \$6,360.00 °Billable at \$90.10/hour (in-court and out-of-court) * Hourly Rate: \$ _____ x # of Hours _____ = Total \$ _____ Must Attach a Detailed Chronological List of Services Rendered and any Receipts			11(A). Per Diem Fees—Payable after Verdict <input type="checkbox"/> Homicide—Capital: \$424 (3 hours or less); \$742 (More than 3 hours) <input type="checkbox"/> Homicide—Capital Mitigation: \$106 (3 hour or less); \$212 (More than 3 hours) <input type="checkbox"/> Homicide—Non-Capital: \$318 (3 hours or less); \$636 (More than 3 hours) + Mitigation <input type="checkbox"/> Felony Non-Homicide: \$238.50 (3 hours or less); \$477 (More than 3 hours) <input type="checkbox"/> Misdemeanor Appeal (Per Diem) \$159 (3 Hours or Less); \$318 (More than 3 Hours) NOTE: TIME EXPENDED BY COURT-APPOINTED COUNSEL SEEKING A DEFENSE CONTINUANCE IS NOT COMPENSABLE.		
11.(B) PER DIEM CHARGES (List below the date(s) and the applicable rate for each day or Trial/Hearing.) DEFENSE CONTINUANCES ARE NOT COMPENSABLE. (Add Additional Pages as Necessary)					
		½ Day	Full Day	½ Day	Full Day
					Full Day(s) x Per Diem Rate = Subtotal
1) Day 1	____/____/____	<input type="checkbox"/>	<input type="checkbox"/>	5) Day 5	____/____/____
2) Day 2	____/____/____	<input type="checkbox"/>	<input type="checkbox"/>	6) Day 6	____/____/____
3) Day 3	____/____/____	<input type="checkbox"/>	<input type="checkbox"/>	7) Day 7	____/____/____
4) Day 4	____/____/____	<input type="checkbox"/>	<input type="checkbox"/>	8) Day 8	____/____/____
				TOTAL \$ _____	
12. TOTAL AMOUNT REQUESTED:			13. DATE REPRESENTATION ENDED/ PAYMENT AUTHORIZED:		
I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, and I have undergone Court-Appointed Counsel Fee system training. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.					
14. ATTORNEY SIGNATURE: _____			DATE: _____		
FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL					
ORDER					
The City of Philadelphia is ordered to pay the above Court-appointed counsel the sum of \$ _____, consistent with Phila.R.J.A. *122-11 and *122-12 for services rendered and found to be reasonable in connection with the above-referenced case as certified by counsel and as approved by the Court, subject to correction by the QAU, as noted below: QAU Name: _____ Date: _____ <input type="checkbox"/> Fee Adjusted to \$ _____ due to the following ministerial error:					
15. NAME OF TRIAL JUDGE		SIGNATURE OF TRIAL JUDGE		DATE	
				SIGNATURE OF SJ-AJ-PJ OR DESIGNEE-AS NECESSARY	
				DATE	
FOR USE BY THE CITY OF PHILADELPHIA					
MANAGING DIRECTOR'S OFFICE		FINANCE DEPARTMENT		CONTROLLER'S OFFICE	
DATE		DATE		DATE	

Instructions for the Completion of Attorney Payment Voucher-Order
Trial Division—Criminal

- Line 1: Enter the Invoice Number from Letter of Appointment and the Date of Appointment as they appear on the appointment order.
- Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE, and FIRST Name as it appears on the appointment order.
- Line 3: Enter the attorney's Pennsylvania Attorney ID number.
- Line 4: Enter the attorney's Philadelphia address, which is required by Phila.Crim.R. *122, as it appears on the appointment order, and the attorney's email address and telephone number.
- Line 5: Enter defendant's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 6: Enter the CPCMS Docket Number in the following sequence:
Common Pleas Trial Division cases CP-51-CR-(XXXXXXXX)—Year (XXXX)
- Line 7: Enter the defendant's Police Photo Number.
- Lines 8—11: Check the appropriate Preparation Fees, Specific Interim Fees, Maximum Fees and Per Diem Fees as applicable:
8. Preparation Fees: Check the appropriate Case Type and fill out the Applicable Preparation Fee.
 9. Specific Interim Fees: Check the appropriate Compensable Event(s) and indicate the Date the event occurred.
 10. Maximum Fee Case Types: Enter the Case Type, the Hourly Rate, the Number of Hours expended, and the Total Amount Requested. The court-appointed attorney must attach a detailed Chronological List of Services rendered, as well as copies of any receipts. A Fee Petition and Order are no longer necessary.
 11. Per Diem Charges. Under 11(A), check the appropriate box indicating the Type of Case. Under 11(B), counsel must list each trial or hearing date and indicate whether a full day or a half-day was expended in court. Phila.R.J.A. *122-12 defines a full day as 3 hours or more and a half-day as 3 hours or less. Add the number of Full Days and Half Days spent in court, multiply by the applicable per diem rate and Total the per diem charges for Full and Half Days. Time spent in court asking for a defense continuance is not compensable.
- Line 12: Enter the Total Amount requested. For Maximum Fee Case Types, see No. 10 above.
- Line 13: Enter the Date Representation Ended or the Date Payment is Authorized. Unless counsel is permitted to withdraw, the appointment is effective until final judgment. See Pa.R.Crim.P. 122(B)(2).
- Line 14: Sign the Payment Voucher and Date. Failure to sign the Voucher will delay processing of payment.
- Line 15: Enter the name of the Trial Judge. The Trial Judge will enter amount payable to the attorney, which must be left blank on the Order portion of the Voucher. When applicable, the Voucher will be routed by the Quality Assurance Unit to the President Judge, Administrative Judge, Supervising Judge, or their designees.

Please Note

- 1) Phila.R.J.A. *122-11 sets forth the Payment Authorization Process court-appointed counsel must follow when seeking payment. Phila.R.J.A. *122-12 sets forth the compensation rates and timing of requests for compensation.
- 2) The Payment Voucher/Order must be completed by court-appointed counsel and submitted, with all required attachments, including the Appointment Letter and Chronological List of Services Rendered (as applicable), directly to the appropriate judge for review and approval without first being filed with the Quality Assurance Unit ("QAU"), or other applicable filing office or officer.
- 3) Upon approval by the appropriate judge, the original Payment Voucher/Order shall be promptly filed by the attorney of record by email to CriminalVouchers@courts.phila.gov, or in person or by mail to: The Justice Stout Center for Criminal Justice, Information Counter, 2nd Floor, 1301 Filbert Street, Philadelphia, PA 19107. The attorney should keep a copy of the signed Payment Voucher/Order.
- 4) Upon receipt of the Payment Voucher/Order, court-designated staff shall time-stamp and review the Payment Voucher/Order, as provided in Phila.R.J.A. *122-11 and Phila.R.J.A. *122-12. Payment Vouchers/Orders not correctly or appropriately completed or submitted without required attachments will be rejected by designated court-staff and must be corrected and resubmitted.
- 5) Once QAU staff has determined the Payment Voucher/Order has been correctly completed, court-designated staff will submit the Payment Voucher/Order to the City of Philadelphia Managing Director's Office's Counsel Fee Unit ("CFU") for payment. Court-designated staff will notify court-appointed counsel when the Payment Voucher/Order has been submitted to the CFU. Court-designated staff will docket the Payment Voucher/Order and include it as a case record consistent with the Unified Judicial System of Pennsylvania Public Access Policy.
- 6) The City of Philadelphia will issue payment to court-appointed conflict counsel within sixty (60) days of the date the Payment Voucher/Order is submitted by the Court to the City of Philadelphia's Managing Director's Office. Consistent with Phila. Code § 17-1702(1)(b), if payment is delayed, the City of Philadelphia will pay interest on the unpaid amount awarded by the court at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.
- 7) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher/Order has been sent to the City of Philadelphia Counsel Fee Unit as noted above. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor—
Kelly.Press@phila.gov or CounselFees@phila.gov
City of Philadelphia Managing Director's Office
1401 JFK Blvd. Suite 1340
Philadelphia, PA.19102
215-686-5639

Payment Voucher/Order forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.



First Judicial District of Pennsylvania
 Fees and Procedures Are Applicable Only to Court Appointments
 Made On and After November 1, 2023
Expert Witness Payment Voucher/Order
 See Phila. R.J.A. *122, *122-11 and *122-12

1.(A) INVOICE NO. FROM LETTER OF APPOINTMENT	1.(B) DATE OF APPOINTMENT
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SECTION 1—ATTORNEY & DEFENDANT INFORMATION

2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. ATTORNEY STATE I.D. NO.
4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)		EMAIL ADDRESS	
Philadelphia, PA _____		TELEPHONE NUMBER	
5. DEFENDANT LAST NAME	MIDDLE	DEFENDANT'S FIRST NAME	6. CPCMS NUMBER OR OTHER DOCKET NUMBER
			_____-51-_____-_____

SECTION 2—EXPERT WITNESS INFORMATION

7. EXPERT WITNESS' LAST NAME	MIDDLE	EXPERT WITNESS' FIRST NAME	8. PHILA. BUSINESS LICENSE NUMBER
EXPERT WITNESS ADDRESS		EMAIL ADDRESS	
		TELEPHONE NUMBER	

SECTION 3—CASE TYPE

Homicide
 Adult- Non-Homicide
 Juvenile

SECTION 4—EXPERT WITNESS FEES

9. FEE TYPES

Decertification—Mental Health Evaluation: \$ _____ (TBD by Judge).
 Fixed Amount Allowed by the Court: \$ _____. Attached is a copy of the Court Order.
 Compensation on an hourly basis was approved by the Court. Attached is a copy of the Court Order.
 Number of Hours: _____. Hourly Rate: \$ _____. Total Amount Requested: \$ _____.
Must Attach Chronological List of Services Rendered to this Voucher, and any receipts.

Amounts in Excess of \$7,950 must be approved by the Trial Judge, and the Supervising, Administrative, or President Judge as applicable.

A. AMOUNT PAID TO EXPERT WITNESS TO DATE: \$ _____	B. OTHER FEE PETITIONS PENDING: <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

I certify that I have retained the above named Expert Witness, that the Expert Witness is necessary to provide appropriate representation to the above Defendant, and I will ensure that the Expert Witness performs his/her duties satisfactorily as requested. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

10. ATTORNEY SIGNATURE _____ DATE: _____

I certify that I have been retained by the above named attorney as an Expert Witness services in connection with this case. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

11. EXPERT WITNESS SIGNATURE _____ DATE: _____

FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL

ORDER

The City of Philadelphia is ordered to pay the above-named Expert Witness the sum of \$ _____ found to be reasonable and consistent with Phila.R.J.A. *122-11 and *122-12 connection with the services rendered in connection with the above-referenced case, subject to correction by the QAU or Legal Liaison Unit as noted below:

QAU / LLU Name: _____ Date: _____ Fee Adjusted to \$ _____ due to the following ministerial error:

12. NAME OF TRIAL JUDGE	SIGNATURE OF TRIAL JUDGE	DATE	PJ/AJ/SJ SIGNATURE (When Necessary)	DATE
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FOR USE BY THE CITY OF PHILADELPHIA

MANAGING DIRECTOR'S OFFICE	DATE	FINANCE DEPARTMENT	DATE	CONTROLLER'S OFFICE	DATE
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Instructions for the Completion of
Expert Witness Payment Voucher/Order

SECTION 1—ATTORNEY & DEFENDANT INFORMATION

- Line 1: A. Enter the Invoice Number from Letter of Appointment & B. the Date of Appointment as they appear on the appointment letter.
 Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
 Line 3: Enter the attorney's PA Attorney ID number.
 Line 4: Enter the attorney's Philadelphia address, which is required by Phila.Crim.R. *122, as it appears on the appointment order.
 Line 5: Enter the Defendant's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
 Line 6: Enter the CPCMS Docket Number or other appropriate Docket Number.

SECTION 2—EXPERT WITNESS INFORMATION

Lines 7-8: Enter the full name, business address, email address, telephone number, and Business License number of the Expert Witness.

SECTION 3—CASE TYPE

Select Homicide, Adult Non-Homicide, or Juvenile option depending on the Case type

SECTION 4—EXPERT WITNESS FEES

- Line 9: Select the applicable Fee Type requested. Attach required documentation to Payment Voucher. If compensation on an hourly basis is requested, the Expert must attach a Chronological List of Services rendered to this Voucher. A Fee Petition and Order are no longer required.
 (a) Enter the Amount previously paid to the Expert Witness, if any
 (b) The Expert Witness must check whether other Expert Witness Fee requests are pending for the instant case.
 Line 10: The Court-Appointed attorney must sign and date the Payment Voucher. Failure to sign and date will delay payment.
 Line 11: The Expert Witness must sign and date the Payment Voucher. Failure to sign and date will delay payment.
 Line 12: Enter the name of the Trial Judge. The blank entry on the Order portion will be entered by the Trial Judge. When applicable, the Voucher will be routed to the Administrative Judge or Supervising Judge or their designees.

Please Note

- 1) Phila.R.J.A. *122-11 sets for the Payment Authorization Process court-appointed counsel must follow when seeking payment. Phila.R.J.A. *122-12 sets forth the compensation rates and timing of requests for compensation.
- 2) The Payment Voucher/Order must be completed by court-appointed counsel and submitted, with all required attachments, including the Appointment Letter and Chronological List of Services Rendered (as applicable), directly to the appropriate judge for review and approval without first being filed with the applicable filing office or officer.
- 3) Upon approval by the appropriate judge, the original Payment Voucher/Order shall be promptly filed by the attorney of record as follows below. The attorney should keep a copy of the signed Payment Voucher/Order.
 - a. Criminal Cases: by email to CriminalVouchers@courts.phila.gov, or in person or by mail to: The Justice Stout Center for Criminal Justice, Information Counter, 2nd Floor, 1301 Filbert Street, Philadelphia, PA 19107.
 - b. Family Court Cases: by email to FC_Vouchers@courts.phila.gov, or in person or by mail to: The Philadelphia Family Court, Legal Liaison Payment Unit, 11th Floor, 1501 Arch Street, Philadelphia, PA 19102.
- 4) Upon receipt of the Payment Voucher/Order, court-designated staff shall time-stamp and review the Payment Voucher/Order, as provided in Phila.R.J.A. *122-11 and Phila.R.J.A. *122-12. Payment Vouchers/Orders not correctly or appropriately completed or submitted without required attachments will be rejected by designated court-staff and must be corrected and resubmitted by court-appointed counsel.
- 5) Once court-designated staff has determined the Payment Voucher/Order has been correctly completed, they will submit the Payment Voucher/Order to the City of Philadelphia Managing Director's Office's Counsel Fee Unit ("CFU") for payment. Court-designated staff will notify court-appointed counsel and the Expert Witness when the Payment Voucher/Order has been submitted to the CFU. Court-designated staff will docket the Payment Voucher/Order and include it as a case record consistent with the Unified Judicial System of Pennsylvania Public Access Policy.
- 6) The City of Philadelphia will issue payment to court-appointed conflict counsel within sixty (60) days of the date the Payment Voucher/Order is submitted by the Court to the City of Philadelphia's Managing Director's Office. Consistent with Phila. Code § 17-1702(1)(b), if payment is delayed, the City of Philadelphia will pay interest on the unpaid amount awarded by the court at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.
- 7) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher/Order has been sent to the City of Philadelphia Counsel Fee Unit as noted above. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor—Kelly.Press@phila.gov
 or CounselFees@phila.gov
 City of Philadelphia Managing Director's Office
 1401 JFK Blvd. Suite 1340
 Philadelphia, PA. 19102
 215-686-5639

Payment Voucher/Order forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.



First Judicial District of Pennsylvania
Court-Appointed Counsel Payment Voucher/Order

*Fees and Procedures Are Applicable Only to Court Appointments
Made On and After November 1, 2023*

Family Court- Delinquent, Abuse & Domestic Relations
*See Phila. R.J.A. *122, *122-11 and *122-12*

1. A. APPOINTMENT ORDER NO.
B. DATE OF APPOINTMENT
C. HAS THERE BEEN PRIOR CONFLICT COUNSEL <input type="checkbox"/> Yes <input type="checkbox"/> No

2. ATTORNEY'S LAST NAME)	MIDDLE	ATTORNEY'S FIRST	3. PA ATTORNEY I.D. NO.
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4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)	EMAIL ADDRESS
Philadelphia, PA	TELEPHONE NUMBER

5. DEFENDANT'S LAST NAME	MIDDLE	DEFENDANT'S FIRST NAME	6. A. CASE NUMBER
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6. B. CPCMS NUMBER(S) CP-51-JV- _____ - _____	CP-51-JV- _____ - _____
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Payment Voucher must be submitted for processing and approval within 90 days of disposition or, for yearly payments, after the calendar year at issue.

7. A. FEES FOR DELINQUENT/ABUSE COURT-APPOINTED REPRESENTATION	
<input type="checkbox"/> Delinquency Felony: \$583.00 <input type="checkbox"/> Delinquency Misdemeanor: \$477.00 <input type="checkbox"/> Rape, IDSI, Juvenile Felony Sex Case*: \$795.00 <i>*Requires 3 CLE @ year and Certification by Family Court</i> <input type="checkbox"/> Consent Decree—at JJSC: \$238.50 <input type="checkbox"/> Delinquent Review—per hearing: \$79.50 Date of Hearing: _____	<input type="checkbox"/> On-Call Counsel-No Appointment: \$371.00 <input type="checkbox"/> Protection from Abuse—D.R.: \$371.00 <input type="checkbox"/> Private Counsel Retained: \$238.50 <input type="checkbox"/> Fifth Amendment Witness: \$238.50 Name of Witness: _____ <input type="checkbox"/> Bench Warrant: \$238.50

B. DATE OF SERVICE	B. DATE OF SERVICE
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8. A. FEES FOR ON-CALL COUNSEL—DOMESTIC RELATIONS <input type="checkbox"/> On-Call Counsel—1501 Arch Street—No Appointment: \$371.00 per Daily List	B. DATE OF SERVICE
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I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, and I have undergone Court-Appointed Counsel Fee system training. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

9. ATTORNEY SIGNATURE _____ DATE: _____	ESIGNATURE (AS APPROPRIATE) _____ DATE _____
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FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL

ORDER

The City of Philadelphia is ordered to pay the above Court-appointed attorney the sum of \$ _____ found to be reasonable and consistent with Phila.R.J.A. *122-11 and *122-12 for services rendered in connection with the above-referenced case, subject to correction by the Legal Liaison Payment Unit, as noted below:

Fee adjusted to \$ _____ due to the following ministerial error by counsel:

LEGAL LIAISON UNIT—NAME: _____

DATE: _____

10. NAME OF PRESIDING JUDGE/JCHO	PRESIDING JUDGE/JCHO'S SIGNATURE	DATE	AJ/SJ SIGNATURE (When Necessary)	DATE
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FOR USE BY THE CITY OF PHILADELPHIA

MANAGING DIRECTOR'S OFFICE	DATE	FINANCE DEPARTMENT	DATE	CONTROLLER'S OFFICE	DATE
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**Instructions for the Completion of Attorney Payment Voucher/Order
Family Court—Delinquent, Abuse & Domestic Relations**

- Line 1: Enter: A. the Appointment Letter invoice number; B. the Date of Appointment as they appear on the appointment letter; and C. indicate whether prior counsel had been appointed. Substituted counsel will be paid as “new” counsel, at the rates in effect on the date of substituted counsel’s appointment.
- Line 2: Enter the court-appointed attorney’s LAST Name, MIDDLE, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney’s PA Attorney ID number.
- Line 4: Enter the attorney’s Philadelphia address, which is required by Phila.Crim.R. *122, as it appears on the appointment order.
- Line 5: Enter defendant’s LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 6: A.: Enter the Domestic Relations, or Abuse Case Docket Number.
B.: Enter the CPCMS Docket Number(s) in the following sequence:
Family Court—Delinquent cases CP-51-JV-(XXXXXXXX)-Year(XXXX)
- Line 7: A. The Fees for Delinquent and Abuse representation are listed. Check applicable fee. Note: new counsel appointed for trial after a Consent Decree is revoked for non-compliance shall be paid, as applicable, the Delinquency Misdemeanor or Felony fee after adjudication.
B. Enter the Date of Service.
- Line 8: A. Check this Option if you were appointed as On-Call Counsel in Domestic Relations.
B. Enter the Date of Service as On-Call Counsel.
- Line 9: Sign and date the Payment Voucher/Order. Failure to sign and date the Voucher will delay processing of payment.
- Line 11: Enter the name of the Presiding Judge/JCHO. The blank entry on the Order portion will be entered by the Presiding Judge/JCHO. When applicable, the Voucher will be routed to the Administrative Judge or Supervising Judge or their designees.

Please Note

- (1) Phila.R.J.A. *122-11 sets for the Payment Authorization Process court-appointed counsel must follow when seeking payment. Phila.R.J.A. *122-12 sets forth the compensation rates and timing of requests for compensation.
- (2) All Payment Vouchers must be completed by the court-appointed attorney and submitted with all required attachments, including the Appointment Letter and Chronological List of Services Rendered (as applicable), as follows:
 - (a) Criminal Cases: by email to CriminalVouchers@courts.phila.gov, or in person or by mail to: The Justice Stout Center for Criminal Justice, Information Counter, 2nd Floor, 1301 Filbert Street, Philadelphia, PA 19107.
 - (b) Family Court Cases: by email to FC_Vouchers@courts.phila.gov, or in person or by mail to: The Philadelphia Family Court, Legal Liaison Payment Unit, 11th Floor, 1501 Arch Street, Philadelphia, PA 19102.
 - (c) Municipal Court Traffic Division Cases: in person or by mail to: The Philadelphia Municipal Court Traffic Division, Attorney Filing Unit, 800 Spring Garden Street, Philadelphia, PA 19123.
- (3) Court-designated staff will review the Payment Vouchers/Orders upon receipt, as provided in Phila.R.J.A. *122-11. Payment Vouchers/Orders which have not been correctly or appropriately completed, or submitted without required attachments will be rejected by designated court-staff and must be corrected and resubmitted.
- (4) Court-designated staff will forward appropriately submitted Payment Vouchers/Orders for Judicial Review and approval, and thereafter to the City of Philadelphia for payment. Upon review by and approval by all required Court and City of Philadelphia personnel, the Payment Voucher/Order shall be distributed to all signatories, including the court-appointed attorney and to the Office of Judicial Records, which shall docket the Payment Voucher/Order and include it as a case record consistent with the Unified Judicial System of Pennsylvania Public Access Policy.
- (5) The City of Philadelphia will issue payment to court-appointed conflict counsel within sixty (60) days of the date the Payment Voucher/Order is approved for payment by the Court. Consistent with Phila. Code § 17-1702(1)(b), if payment is delayed, the City of Philadelphia will pay interest on the unpaid amount awarded by the court at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.
- (6) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher/Order has been sent to the City of Philadelphia Counsel Fee Unit as noted above. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor—
Kelly.Press@phila.gov or CounselFees@phila.gov
City of Philadelphia Managing Director's Office
1401 JFK Blvd. Suite 1340
Philadelphia, PA.19102
215-686-5639

Payment Voucher/Order forms are available on the Court’s website at: <http://www.courts.phila.gov/forms>.



First Judicial District of Pennsylvania
 Court-Appointed Counsel Payment Voucher/Order
*Fees and Procedures Are Applicable Only to Court Appointments
 Made On and After November 1, 2023*

Family Court – Dependency
*See Phila. R.J.A. *122, *122-11 and *122-12*

1. A. APPOINTMENT ORDER NO.
B. DATE OF APPOINTMENT
C. HAS THERE BEEN PRIOR CONFLICT COUNSEL <input type="checkbox"/> Yes <input type="checkbox"/> No

2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. PA ATTORNEY I.D. NO.
4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia) Philadelphia, PA _____		EMAIL ADDRESS	TELEPHONE NUMBER
5. CLIENT'S LAST NAME	MIDDLE	CLIENT'S FIRST NAME	CHECK CLIENT CATEGORY <input type="checkbox"/> Child <input type="checkbox"/> Parent/Guardian
6. CPCMS NUMBER(S) CP-51-DP-_____ - _____		CP-51-DP-_____ - _____	

Payment Voucher must be submitted for processing and approval within 90 days of disposition or, for yearly payments, after the calendar year at issue.

7... A. FEES FOR DEPENDENCY APPOINTMENT REPRESENTATION		
<input type="checkbox"/> FIRST YEAR <input type="checkbox"/> Dismissal: \$795.00 <input type="checkbox"/> First Hearing: \$212.00 <input type="checkbox"/> Second Hearing: \$212.00 <input type="checkbox"/> Third Hearing: \$185.50 <input type="checkbox"/> Fourth Hearing: \$185.50 <input type="checkbox"/> Remainder: \$ _____ The total Annual Fee shall not exceed \$795.00. If dismissed during the First Year, court-appointed counsel shall be paid the outstanding balance of \$795.00. <input type="checkbox"/> Fifth Amendment Witness: \$238.50 Name of Witness: _____	<input type="checkbox"/> SECOND YEAR <input type="checkbox"/> Dismissal: \$477.00 <input type="checkbox"/> First Hearing: \$132.50 <input type="checkbox"/> Second Hearing: \$132.50 <input type="checkbox"/> Third Hearing: \$106.00 <input type="checkbox"/> Fourth Hearing: \$106.00 <input type="checkbox"/> Remainder: \$ _____ The total Annual Fee shall not exceed \$477.00. If dismissed during the Second Year, court-appointed counsel shall be paid the outstanding balance of \$477.00. <input type="checkbox"/> Fifth Amendment Witness: \$238.50 Name of Witness: _____	<input type="checkbox"/> THIRD & SUBSEQUENT YEARS <input type="checkbox"/> First Hearing: \$79.50 <input type="checkbox"/> Second Hearing: \$79.50 <input type="checkbox"/> Third Hearing: \$79.50 <input type="checkbox"/> Fourth Hearing: \$79.50 <input type="checkbox"/> APPEAL Maximum: \$2,544.00 Out of Court: \$68.90@hour In-Court: \$79.50@hour A detailed attachment must be included setting forth the services rendered and time expended <input type="checkbox"/> Fifth Amendment Witness: \$238.50 Name of Witness: _____

B. DATE OF SERVICE	B. DATE OF SERVICE	B. DATE OF SERVICE
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8. A. FEES FOR ON-CALL COUNSEL <input type="checkbox"/> On-Call Counsel—1501 Arch Street—No Appointment: \$371.00 per Daily List.	B. DATE OF SERVICE
9. A. FEES FOR ADOPTION-AP MATTER ONLY <input type="checkbox"/> Fee Requested: \$ _____ Maximum Fee: \$ 2,544.00. Out-of-Court: \$68.90@hour. In-Court: \$79.50@hour A detailed attachment must be included setting forth the services rendered and time expended.	B. DATE REPRESENTATION ENDED/ PAYMENT AUTHORIZED:

I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, and I have undergone Court-Appointed Counsel Fee system training. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

10. ATTORNEY SIGNATURE _____	DATE: _____	E SIGNATURE (AS APPROPRIATE) _____	DATE _____
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FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL

ORDER

The City of Philadelphia is ordered to pay the above Court-appointed attorney the sum of \$ _____ found to be reasonable and consistent with Phila.R.J.A. *122-11 and *122-12 for services rendered in connection with the above-referenced case, subject to correction by the Legal Liaison Payment Unit, as noted below:

- Fee adjusted to \$ _____ due to the following ministerial error by counsel:

LEGAL LIAISON UNIT - NAME:

DATE:

11. NAME OF PRESIDING JUDGE/JCHO	PRESIDING JUDGE/JCHO'S SIGNATURE	DATE	AJ OR SJ SIGNATURE (When Necessary)	DATE
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CITY OF PHILADELPHIA

MANAGING DIRECTOR'S OFFICE	DATE	FINANCE DEPARTMENT	DATE	CONTROLLER'S OFFICE	DATE
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Instructions for the Completion Attorney Payment Voucher/Order
Family Court—Dependency

- Line 1: Enter: A. the Appointment Letter invoice number; B. the Date of Appointment as they appear on the appointment letter; and C. indicate whether prior counsel had been appointed. Substituted counsel will be paid as “new” counsel, at the rates in effect on the date of substituted counsel’s appointment.
- Line 2: Enter the court-appointed attorney’s LAST Name, MIDDLE, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney’s PA Attorney ID number.
- Line 4: Enter the attorney’s Philadelphia address, which is required by Phila.Crim.R. *122, as it appears on the appointment order.
- Line 5: Enter the Client’s LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter, and check, as applicable, Client Category: Child, or Parent/Guardian.
- Line 6: Enter the CPCMS Docket Number(s) in the following sequence:
Family Court—Dependency cases CP-51-DP-(XXXXXXXX)-Year (XXXX)
- Line 7: A. The Fees payable for Dependency Appointment are listed. Please note that the Fees vary by Year of Appointment. Check, as appropriate, First Year, Second Year, and Third & Subsequent Year. If a matter is dismissed before the fourth hearing in FIRST and SECOND YEAR cases, counsel must check the DISMISSAL option. Also check the REMAINDER box and then enter the applicable Remainder amount.
In Appeal representation cases, court-appointed counsel must attach a Chronological List of Services Rendered to this Voucher. A Fee Petition and Order are no longer necessary.
B. Enter the Date of Service.
- Line 8: A. Check this Option if you were appointed as On-Call Counsel.
B. Enter the Date of Service.
- Line 9: A. Check this Option if you were appointed for an Adoption—AP-Matter Only Counsel.
B. Enter the Date Representation ended or conclusion of stage for which payment is authorized. In Appeal representation cases, court-appointed counsel must attach a Chronological List of Services Rendered to this Voucher. A Fee Petition and Order are no longer necessary.
- Line 10: Sign and date the Payment Voucher. Failure to sign and date the Voucher will delay processing of payment.
- Line 11: Enter the name of the Presiding Judge/JCHO. The blank entry on the Order portion will be entered by the Presiding Judge/JCHO. When applicable, the Voucher will be routed to the Administrative Judge or Supervising Judge or their designees.

Please Note

- 1) Phila.R.J.A. *122-11 sets for the Payment Authorization Process court-appointed counsel must follow when seeking payment. Phila.R.J.A. *122-12 sets forth the compensation rates and timing of requests for compensation.
- 2) All Payment Vouchers must be completed by the court-appointed attorney and submitted with all required attachments, including the Appointment Letter and Chronological List of Services Rendered (as applicable), as follows:
 - (a) Criminal Cases: by email to CriminalVouchers@courts.phila.gov, or in person or by mail to: The Justice Stout Center for Criminal Justice, Information Counter, 2nd Floor, 1301 Filbert Street, Philadelphia, PA 19107.
 - (b) Family Court Cases: by email to FC_Vouchers@courts.phila.gov, or in person or by mail to: The Philadelphia Family Court, Legal Liaison Payment Unit, 11th Floor, 1501 Arch Street, Philadelphia, PA 19102.
 - (c) Municipal Court Traffic Division Cases: in person or by mail to: The Philadelphia Municipal Court Traffic Division, Attorney Filing Unit, 800 Spring Garden Street, Philadelphia, PA 19123.
- 3) Court-designated staff will review the Payment Vouchers/Orders upon receipt, as provided in Phila.R.J.A. *122-11. Payment Vouchers/Orders which have not been correctly or appropriately completed, or submitted without required attachments will be rejected by designated court-staff and must be corrected and resubmitted.
- 4) Court-designated staff will forward appropriately submitted Payment Vouchers/Orders for Judicial Review and approval, and thereafter to the City of Philadelphia for payment. Upon review by and approval by all required Court and City of Philadelphia personnel, the Payment Voucher/Order shall be distributed to all signatories, including the court-appointed attorney and to the Office of Judicial Records, which shall docket the Payment Voucher/Order and include it as a case record consistent with the Unified Judicial System of Pennsylvania Public Access Policy.
- 5) The City of Philadelphia will issue payment to court-appointed conflict counsel within sixty (60) days of the date the Payment Voucher/Order is approved for payment by the Court. Consistent with Phila. Code § 17-1702(1)(b), if payment is delayed, the City of Philadelphia will pay interest on the unpaid amount awarded by the court at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.
- 6) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher/Order has been sent to the City of Philadelphia Counsel Fee Unit as noted above. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor—
Kelly.Press@phila.gov or CounselFees@phila.gov
 City of Philadelphia Managing Director's Office
 1401 JFK Blvd. Suite 1340
 Philadelphia, PA. 19102
 215-686-5639

Payment Voucher/Order forms are available on the Court’s website at: <http://www.courts.phila.gov/forms>.



First Judicial District of Pennsylvania
 Court Appointments Made On and After November 1, 2023
Investigator Payment Voucher/Order
 See Phila. R.J.A. *122, *122-11 and *122-12

1.(A) INVOICE NO. FROM LETTER OF APPOINTMENT	1.(B) DATE OF APPOINTMENT
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SECTION 1—ATTORNEY & DEFENDANT INFORMATION

2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. ATTORNEY STATE I.D. NO.
4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)		EMAIL ADDRESS	
Philadelphia, PA _____		TELEPHONE NUMBER	
5. DEFENDANT'S/PARTY'S LAST NAME	MIDDLE NAME	DEFENDANT'S/PARTY'S FIRST NAME	6. CPCMS NUMBER OR OTHER DOCKET NUMBER
			_____-51-_____-_____-_____

SECTION 2—INVESTIGATOR INFORMATION

7. INVESTIGATOR'S LAST NAME	MIDDLE	INVESTIGATOR'S FIRST NAME	8. LICENSE NUMBER
INVESTIGATOR ADDRESS		EMAIL ADDRESS	
		TELEPHONE NUMBER	

SECTION 3—COURT—DIVISION—CASE TYPE

9. CRIMINAL COURT OF COMMON PLEAS & MUNICIPAL COURT <input type="checkbox"/> Guaranteed Initial Fee <input type="checkbox"/> Homicide: \$318.00 <input type="checkbox"/> Felony: \$106.00 <input type="checkbox"/> Per Hour: \$42.40 Amounts in Excess of \$795 must be approved by the Trial Judge and the Supervising, Administrative, or President Judge or their designees. Must Attach Chronological List of Services Rendered. See No. 12 below.	10. FAMILY COURT-DELINQUENT <input type="checkbox"/> Initial Fee: \$106 <input type="checkbox"/> Per Hour: \$42.40 Number of Hours: _____ Amounts in Excess of \$530 must be approved by the Trial Judge and the Supervising Judge or Administrative Judge or their designees. Must Attach Chronological List of Services Rendered. See No. 12 below.	11. FAMILY COURT-DEPENDENT <input type="checkbox"/> Initial; Fee: \$42.40 <input type="checkbox"/> Per Hour: \$42.40 Number of Hours: _____ Amounts in Excess of \$530 must be approved by the Trial Judge and the Supervising Judge or Administrative Judge or their designees. Must Attach Chronological List of Services Rendered. See No. 12 below.
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SECTION 4—SERVICES PROVIDED OR TO BE PROVIDED BY INVESTIGATOR—PAYMENTS TO INVESTIGATOR

12. PROVIDE A SUMMARY OF INVESTIGATIVE SERVICES RENDERED. **MUST ATTACH CHRONOLOGICAL LIST OF SERVICES RENDERED, TIME EXPENDED AND ANY RECEIPTS.**

13.(A) FEE REQUESTED: \$	(B) AMOUNT PAID TO DATE: \$	(C) OTHER FEE PETITIONS PENDING: <input type="checkbox"/> Yes <input type="checkbox"/> No
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I certify that I have retained the above named investigator, that the investigatory services requested are necessary to provide appropriate representation to the above Defendant, and I will ensure that the investigator performs his/her duties satisfactorily as requested. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

14. ATTORNEY SIGNATURE _____ DATE: _____

I certify that I have been retained by the above named attorney to perform investigatory services in connection with this case. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

15. INVESTIGATOR SIGNATURE _____ DATE: _____

FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL

ORDER
 The City of Philadelphia is ordered to pay the above named Investigator the sum of \$ _____ found to be reasonable and consistent with Phila.R.J.A. *122-11 and *122-12 for services rendered in connection with the above-referenced case, subject to correction by the Quality Assurance or Legal Liaison Unit as noted below:
 QAU/LLU Name: _____ Date: _____ Fee Adjusted to \$ _____ due to the following ministerial error:

16. NAME OF TRIAL JUDGE	TRIAL JUDGE'S SIGNATURE	DATE	PJ/AJ/SJ SIGNATURE (When Necessary)	DATE
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FOR USE BY THE CITY OF PHILADELPHIA

MANAGING DIRECTOR'S OFFICE	DATE	FINANCE DEPARTMENT	DATE	CONTROLLER'S OFFICE	DATE
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Instructions for the Completion of
Investigator Payment Voucher/Order

SECTION 1—ATTORNEY & DEFENDANT INFORMATION

- Line 1: A. Enter the Invoice No. from Appointment Letter & B. the Date of Appointment as they appear on the appointment letter.
 Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
 Line 3: Enter the attorney's PA Attorney ID number.
 Line 4: Enter the attorney's Philadelphia address, which is required by Phila.Crim.R. *122, as it appears on the appointment order.
 Line 5: Enter the Defendant's or Party's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
 Line 6: Enter the CPCMS Docket Number or other appropriate Docket Number.

SECTION 2—INVESTIGATOR INFORMATION

- Lines 7-8: Enter the full name, business address, email address, telephone number, and License number of the Investigator.

SECTION 3—COURT-DIVISION-CASE TYPE

- Lines 9—11: Select the applicable Court/Division and case type. Select the Fee that is being requested. If payment on an hourly basis is being requested, the Investigator shall attach a detailed Chronological List of Services Rendered to this Voucher. A Fee Petition and Order are no longer necessary.

SECTION 4—SERVICES PROVIDED OR TO BE PROVIDED BY INVESTIGATOR

- Line 12: Provide a general summary of investigative services rendered. If payment on an hourly basis is being requested, the Investigator shall attach a detailed Chronological List of Services Rendered to this Voucher.
 Line 13: A. Enter the Amount Requested.
 B. The Investigator must enter the Amount Paid to the Investigator to date, not including current Request.
 C. The Investigator must check whether other Investigator Fee requests are pending for the instant case.
 Line 14: The Court-Appointed attorney must sign the Payment Voucher, verifying necessity of investigatory services. Failure to sign and date will delay payment.
 Line 15: The Investigator must sign the Payment Voucher, verifying performance of investigatory services. Failure to sign and date will delay payment.
 Line 16: Enter the name of the Trial Judge. The blank entry on the Order portion will be entered by the Trial Judge.

Please Note

- 1) Phila.R.J.A. *122-11 sets for the Payment Authorization Process court-appointed counsel must follow when seeking payment. Phila.R.J.A. *122-12 sets forth the compensation rates and timing of requests for compensation.
- 2) The Payment Voucher/Order must be completed by court-appointed counsel and submitted, with all required attachments, including the Appointment Letter and Chronological List of Services Rendered (as applicable), directly to the appropriate judge for review and approval without first being filed with the applicable filing office or officer.
- 3) Upon approval by the appropriate judge, the original Payment Voucher/Order shall be promptly filed by the attorney of record as follows below. The attorney should keep a copy of the signed Payment Voucher/Order.
 - (a) Criminal Cases: by email to CriminalVouchers@courts.phila.gov, or in person or by mail to: The Justice Stout Center for Criminal Justice, Information Counter, 2nd Floor, 1301 Filbert Street, Philadelphia, PA 19107.
 - (b) Family Court Cases: by email to FC_Vouchers@courts.phila.gov, or in person or by mail to: The Philadelphia Family Court, Legal Liaison Payment Unit, 11th Floor, 1501 Arch Street, Philadelphia, PA 19102.
- 4) Upon receipt of the Payment Voucher/Order, court-designated staff shall time-stamp and review the Payment Voucher/Order, as provided in Phila.R.J.A. *122-11 and Phila.R.J.A. *122-12. Payment Vouchers/Orders not correctly or appropriately completed or submitted without required attachments will be rejected by designated court-staff and must be corrected and resubmitted by court-appointed counsel.
- 5) Once court-designated staff has determined the Payment Voucher/Order has been correctly completed, they will submit the Payment Voucher/Order to the City of Philadelphia Managing Director's Office's Counsel Fee Unit ("CFU") for payment. Court-designated staff will notify court-appointed counsel and the Investigator when the Payment Voucher/Order has been submitted to the CFU. Court-designated staff will docket the Payment Voucher/Order and include it as a case record consistent with the Unified Judicial System of Pennsylvania Public Access Policy.
- 6) The City of Philadelphia will issue payment to court-appointed conflict counsel within sixty (60) days of the date the Payment Voucher/Order is submitted by the Court to the City of Philadelphia's Managing Director's Office. Consistent with Phila. Code § 17-1702(1)(b), if payment is delayed, the City of Philadelphia will pay interest on the unpaid amount awarded by the court at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.
- 7) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher/Order has been sent to the City of Philadelphia Counsel Fee Unit as noted above. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor—
Kelly.Press@phila.gov or CounselFees@phila.gov
 City of Philadelphia Managing Director's Office
 1401 JFK Blvd. Suite 1340
 Philadelphia, PA. 19102
 215-686-5639

Payment Voucher/Order forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.



First Judicial District of Pennsylvania
Court-Appointed Counsel Payment Voucher/Order
Fees and Procedures Are Applicable Only to Court Appointments
Made On and After November 1, 2023
Philadelphia Municipal Court – Criminal Division
*See Phila. R.J.A. *122, *122-11 and *122-12*

1(A). INVOICE NO. FROM LETTER OF APPOINTMENT		1(B). DATE OF APPOINTMENT
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2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. PA ATTORNEY I.D. NO.
4. ATTORNEY ADDRESS <i>(Counsel must maintain their principal office in Philadelphia)</i>		EMAIL ADDRESS	
Philadelphia, PA _____		TELEPHONE NUMBER	
5. DEFENDANT'S LAST NAME	MIDDLE	FIRST NAME	6. CPCMS NUMBER
			MC-51-_____-_____-_____
			7. POLICE PHOTO NO.

8. FIXED FEE CASES-PAYABLE AT VERDICT <input type="checkbox"/> Municipal Court Trial—Felony: \$477 <input type="checkbox"/> Felony Remand-Trial: \$477 <input type="checkbox"/> Municipal Court Trial—Misdemeanor: \$477 <input type="checkbox"/> Plea Accepted-Diversion-Felony-Treatment Court: \$477 <input type="checkbox"/> Preliminary Hearing Disposition: \$238.50 <input type="checkbox"/> Non-Traffic Summary Offenses: \$159 <input type="checkbox"/> Private Criminal Complaint—Summary: \$159 <input type="checkbox"/> Private Criminal Complaint—Misdemeanor: \$477	9. INTERIM FEES-PAYABLE AT CONCLUSION OF EVENT <input type="checkbox"/> Mental Health Court Status Hearing: \$106 Date: _____ <input type="checkbox"/> Early Bail Review Hearings: \$106 Date: _____ <input type="checkbox"/> Treatment Court Hearing—Status Hearing: \$106 Date: _____ <input type="checkbox"/> Bench Warrant Hearing: \$106 Date: _____ <input type="checkbox"/> Diversion Program Status Hearing: \$106 Date: _____ <input type="checkbox"/> Problem Solving Courts Status Hearing: \$106 Date: _____ <input type="checkbox"/> Contempt Hearing: \$159 Date: _____ <input type="checkbox"/> Violation of Probation/Parole Hearing (VOP): \$159 Date: _____ <input type="checkbox"/> Early Parole Petition: \$265 Date: _____ <input type="checkbox"/> Fifth Amendment Witness: \$159 Name of Witness: _____ <input type="checkbox"/> Status Hearing (Other than any above) \$106 Date: _____ <input type="checkbox"/> Refile of Charges (case disposed) \$ 238.50 Date: _____
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10. TOTAL AMOUNT REQUESTED (AS APPLICABLE): \$ _____	11. DATE REPRESENTATION ENDED/PAYMENT AUTHORIZED:
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I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, and I have undergone Court-Appointed Counsel Fee system training. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

12. ATTORNEY SIGNATURE _____ DATE: _____

FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL

ORDER

The City of Philadelphia is ordered to pay the above Court-appointed counsel the sum of \$ _____, consistent with Phila.R.J.A. *122-11 and *122-12 for services rendered and found to be reasonable in connection with the above-referenced case as certified by counsel and as approved by the Court, subject to correction by the QAU, as noted below:

QAU Name: _____ Date: _____ Fee Adjusted to \$ _____ due to the following ministerial error:

13. NAME OF TRIAL JUDGE	TRIAL JUDGE'S SIGNATURE	DATE	PJ/SJ SIGNATURE (When Necessary)	DATE
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FOR USE BY THE CITY OF PHILADELPHIA

MANAGING DIRECTOR'S OFFICE	DATE	FINANCE DEPARTMENT	DATE	CONTROLLER'S OFFICE	DATE
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First Judicial District of Pennsylvania
 Court-Appointed Counsel Payment Voucher/Order

*Fees and Procedures Are Applicable Only to Court Appointments
 Made On and After November 1, 2023*

Philadelphia Municipal Court Traffic Division

*See Phila.R.J.A. *122, *122-11 and *122-12*

1. A. APPOINTMENT LETTER INVOICE NO.
B. DATE OF APPOINTMENT

2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. PA ATTORNEY I.D. NO.
4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)		EMAIL ADDRESS	
Philadelphia, PA _____		TELEPHONE NUMBER	

Payment Voucher must be submitted for processing and approval within 90 days of trial.

5. APPLICABLE FEES	
A. TRAFFIC DIVISION ON-CALL COUNSEL	A1. NUMBER OF CASES APPOINTED FOR THE COURT SESSION
<input type="checkbox"/> On-Call Counsel—per daily list (\$371.00)	

B. APPEAL FROM TRAFFIC DIVISION CASE
<input type="checkbox"/> Traffic Division Appeal for Trial De Novo in the Court of Common Pleas (\$477.00)
<input type="checkbox"/> FTA/Bench Warrant Hearing (\$106.00) Date: _____

B1. DEFENDANT'S LAST NAME	MIDDLE	DEFENDANT'S FIRST NAME	B2. CITATION NUMBER	B3. CPCMS NUMBER
				CP-51-SA-_____ - _____

Please see Instructions on Reverse side concerning documents to attach to this Payment Voucher/Order which must be filed with the Municipal Court Traffic Division after the Summary Appeal has been disposed.

A) AMOUNT REQUESTED	DATE REPRESENTATION ENDED
\$ _____	_____

I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, and I have undergone Court-Appointed Counsel Fee system training. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

6. ATTORNEY SIGNATURE _____	DATE: _____	ESIGNATURE (AS APPROPRIATE) _____	DATE _____
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FOR COURT USE ONLY—JUDICIAL REVIEW AND APPROVAL

ORDER

The City of Philadelphia is ordered to pay the above Court-appointed attorney the sum of \$ _____ found to be reasonable and consistent with Phila.R.J.A. *122-11 and *122-12 for services rendered in connection with the above-referenced case.

6. TRAFFIC DIVISION ADMINISTRATIVE JUDGE	TRAFFIC DIVISION ADMINISTRATIVE JUDGE'S SIGNATURE	DATE

FOR USE BY THE CITY OF PHILADELPHIA

MANAGING DIRECTOR'S OFFICE	DATE	FINANCE DEPARTMENT	DATE	CONTROLLER'S OFFICE	DATE

(Rev. 11-01-2023)

Instructions for the Completion of Attorney Payment Voucher/Order
Municipal Court Traffic Division

- Line 1: If applicable, A. Enter the Invoice Number from Letter of Appointment & B. the Date of Appointment as they appear on the appointment letter
- Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney's PA Attorney ID number.
- Line 4: Enter the attorney's Philadelphia address, which is required by Phila.Crim.R. *122, as it appears on the appointment order.
- Line 5: The Fee for On-Call Counsel and for Appeal for a Trial De Novo are listed. Check option A or option B.
A) If you are requesting compensation as On-Call Counsel:
1. Enter the number of cases appointed for the Court session. This information is needed for internal tracking.
B) If you are requesting compensation for filing an Appeal for a Trial De Novo:
1. Enter defendant's name as it appears on the appointment letter.
2. Enter the Traffic Division Citation Number.
3. Enter the CPCMS Docket Number, when appointed in connection with an appeal for a trial de novo before the Court of Common Pleas, in the following sequence:
Traffic Division Appeal CP-51-SA-(XXXXXXXX)-Year(XXXX)
Note: You must submit the following documents with this Payment Voucher: (1) Appointment letter for date of On-Call Representation; and (2) Entry of Appearance in connection with the Appeal.
C) Enter the total amount requested.
- Line 6: Enter the date the representation rendered pursuant to 5.A. or 5.B. concluded.
- Line 7: Sign the Payment Voucher/Order. Failure to sign the Voucher will delay processing of payment.
- Line 8: Enter the name of the Traffic Division Administrative Judge. The blank entry on the Order portion will be entered by the Administrative Judge.

Please Note

- 1) Phila.R.J.A. *122-11 sets for the Payment Authorization Process court-appointed counsel must follow when seeking payment.
- 2) Phila.R.J.A. *122-12 sets forth the compensation rates and timing of requests for compensation.
- 3) All Payment Vouchers must be completed by the court-appointed attorney and submitted with all required attachments, including the Appointment Letter and Chronological List of Services Rendered (as applicable), as follows:
Municipal Court Traffic Division Cases: in person or by mail to: The Philadelphia Municipal Court Traffic Division, Attorney Filing Unit, 800 Spring Garden Street, Philadelphia, PA 19123.
- 4) Court-designated staff will review the Payment Vouchers/Orders upon receipt, as provided in Phila.R.J.A. *122-11. Payment Vouchers/Orders which have not been correctly or appropriately completed or submitted without required attachments will be rejected by designated court-staff and must be corrected and resubmitted.
- 5) Court-designated staff will forward appropriately submitted Payment Vouchers/Orders for Judicial Review and approval, and thereafter to the City of Philadelphia for payment. Upon review by and approval by all required Court and City of Philadelphia personnel, the Payment Voucher/Order shall be distributed to all signatories, including the court-appointed attorney and to the Office of Judicial Records, which shall docket the Payment Voucher/Order and include it as a case record consistent with the Unified Judicial System of Pennsylvania Public Access Policy.
- 6) The City of Philadelphia will issue payment to court-appointed conflict counsel within sixty (60) days of the date the Payment Voucher/Order is approved for payment by the Court. Consistent with Phila. Code § 17-1702(1)(b), if payment is delayed, the City of Philadelphia will pay interest on the unpaid amount awarded by the court at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made, unless such delay results from an existing tax lien in accordance with 53 P.S. §§ 16082, 16083.
- 7) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher/Order has been sent to the City of Philadelphia Counsel Fee Unit as noted above. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor—
Kelly.Press@phila.gov or CounselFees@phila.gov
City of Philadelphia Managing Director's Office
1401 JFK Blvd. Suite 1340
Philadelphia, PA.19102
215-686-5639

Payment Voucher/Order forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rules of Civil Procedure; Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; Administrative Order No. 14A of 2023

Order of Court

And Now, this 22nd day of September, 2023, after review of proposed Rules changes by the Pennsylvania State Rules Committee, Administrative Order 14 of 2023 issued on June 7, 2023 is hereby *Vacated* and the following new Order 14A of 2023 is *Entered. It Is Ordered* that the Adams County Rules of Civil Procedure 1901, 1902, 1903, 1904, 1905 and 1906 are *Hereby Rescinded* and *Replaced* with the following rules:

ACTION PURSUANT TO PROTECTION FROM ABUSE ACT AND PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ACT

Rule 1901. Statement of Policy.

It is the purpose and policy of the Court of Common Pleas of Adams County to implement and effectuate the Protection From Abuse Act and the Protection of Victims of Sexual Violence or Intimidation Act, to streamline and facilitate enforcement, and to eliminate procedural obstacles and limitations where justice requires forthright action on the part of law enforcement, the Magisterial District Judge and this Court.

A. Actions for Protection From Abuse shall be commenced and prosecuted in accordance with the provisions of Pa.R.Civ.P. 1901, et seq. and 23 Pa.C.S.A. § 6101 et seq. Actions for Protection of Victims of Sexual Violence or Intimidation shall be commenced and prosecuted in accordance with the provisions of Pa.R.Civ.P. 1951, et seq., and 42 Pa.C.S.A. § 62A01, et seq.

B. Actions seeking emergency relief under the Protection From Abuse Act shall be commenced and prosecuted pursuant to the provisions of Pa.R.Civ.P.M.D.J. 1201 et seq., Adams County Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges 1203, 1210 and 1211, and 23 Pa.C.S.A. § 6110 et seq.

C. Actions seeking emergency relief under the Protection of Victims of Sexual Violence or Intimidation Act shall be commenced and prosecuted in accordance with the provisions of Pa.R.Civ.P.M.D.J. 1201, et seq., Adams County Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges 1203, 1210 and 1211, and 42 Pa.C.S.A. § 62A09, et seq.

Rule 1901.5. Indirect Criminal Contempt Hearing.

A. Arrest. When the Court is available, a defendant arrested for contempt shall be produced without unnecessary delay before a judge for preliminary arraignment. If arrest occurs when the Court is unavailable, the defendant shall have preliminary arraignment before the on-call Magisterial District Judge. Upon request, defendant shall be provided with an application form for the appointment of a lawyer. Unless scheduled by a court order for a different time, contempt hearings shall be scheduled for 1:00 p.m. on the Wednesday following

preliminary arraignment which is the furthest Wednesday within ten (10) calendar days after the defendant's arrest. Bail shall be set by the Magisterial District Judge with the defendant given an opportunity to post bail. The bail may be subject to special conditions, such as requiring defendant to follow all specified conditions contained in the Protection From Abuse Order.

At the preliminary arraignment, the Magisterial District Judge or Common Pleas Judge shall advise the defendant of the following:

1. A description of the alleged contemptuous acts;
2. That those acts violate a specific Order of Court;

3. Defendant is subject because of the alleged contempt to a prison sentence of six (6) months and a fine of One Thousand Dollars (\$1,000.00);

4. A hearing will be held by a judge on a specified court business day at 1:00 p.m.;

5. Defendant is entitled to be represented by a lawyer in the contempt proceeding and that, if defendant qualifies, a lawyer will be appointed to represent him or her free of charge. The defendant shall be notified that he or she must apply for the appointment of a free counsel, and the Magisterial District Judge shall provide an application form upon request.

B. Private Complaint.

1. Plaintiff may file a private criminal complaint pursuant to 23 Pa.C.S.A. § 6113.1 by filing the complaint in the Prothonotary's Office. The Prothonotary's Office shall, after clocking in the complaint, immediately forward it to the Court Administrator for the scheduling of a hearing. Except in unusual circumstances, hearings will be scheduled in the same manner as in arrest cases and shall be scheduled by court order. Service of the order, once entered, shall be made on the defendant by the Sheriff's Department. No answer shall be required by defendant.

2. Contempt proceedings may be commenced by the filing of a criminal complaint before a Magisterial District Judge. Service shall be accomplished as in other criminal proceedings, by a constable, or police officer. If neither is available, the complaint shall be served by the Sheriff. Upon filing of a private complaint for criminal contempt in the office of a Magisterial District Judge, the Magisterial District Judge shall promptly forward the same to Court Administration who will schedule contempt hearing pursuant to paragraph B(1) above.

Rule 1905. Temporary Orders. Final Hearing. Forms and Notice.

A. Temporary Orders

1. If the petition seeks temporary relief for Protection From Abuse or Protection of Victims of Sexual Violence or Intimidation, and alleges immediate and present danger of abuse to the plaintiff and/or minor children, the petition shall be presented directly to the assigned PFA Judge after filing with the Prothonotary between the hours of 8:00 a.m. through 3:30 p.m. on days the Court of Common Pleas is open for business.

2. The PFA Judge will, at the earliest possible time consistent with his/her schedule, conduct an *ex parte* temporary hearing with the plaintiff.

3. The PFA Judge shall enter such temporary order, as it deems necessary, to protect the plaintiff and/or minor child(ren) pending final hearing on the petition.

B. Final Hearing

Within ten (10) business days of the filing of a petition for Protection From Abuse or a petition for Protection of Victims of Sexual Violence or Intimidation, or the granting of a temporary order, a final hearing shall be scheduled following Adams County Court administrative rules and policy.

C. Forms and Notice

1. All forms for use in the Protection From Abuse action and the Protection of Victims of Sexual Violence or Intimidation action including notice, petition, temporary protection order and final protection order shall be substantially in the form set forth in Pa.R.Civ.P. 1905 and Pa.R.Civ.P. 1959.

2. If the Magisterial District Judge enters an emergency order, service of the order of protection and emergency petition upon the defendant shall occur in accordance with Pa.R.Civ.P.M.D.J. 1209.

3. If the PFA Judge enters a temporary order, service of the petition and temporary order upon the defendant shall be in accordance with Pa.R.Civ.P. 1930.4. An affidavit of service substantially in the form set forth in Pa.R.Civ.P. 1905(d) shall be filed with the Prothonotary.

It is further Ordered that the Adams County Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges are hereby created, and the following Rules enacted:

ACTIONS FOR EMERGENCY PROTECTIVE RELIEF

Rule 1203. Limitation on Jurisdiction.

Emergency orders for protection pursuant to either the Protection From Abuse Act or Protection of Victims of Sexual Violence or Intimidation Act may be issued by a Magisterial District Judge at the following times:

A. on Monday through Friday from 3:30 p.m. to 8:00 a.m. on the next day the Court of Common Pleas is open for business;

B. during weekend periods, from 3:30 p.m. on Friday (or otherwise, 3:30 p.m. on the last day of the week on which the Court of Common Pleas is open for business) to 8:00 a.m. on the next day the Court of Common Pleas is open for business; and

C. during any holiday and at any other time that all Judges are declared to be unavailable, or the Court of Common Pleas of Adams County is not open for business by Administrative Order entered by the President Judge.

Rule 1210. Duration of Emergency Protection Orders.

If an emergency order of protection has issued pursuant to either the Protection From Abuse Act

or Protection of Victims of Sexual Violence or Intimidation Act, the plaintiff shall be informed of the following:

A. that the Magisterial District Judge's emergency order will expire at the close of the next Court of Common Pleas business day and, that a further temporary order may be issued only by a Judge of the Court of Common Pleas of Adams County;

B. if the plaintiff seeks the issuance of a temporary order, on the next Court of Common Pleas business day, the Plaintiff shall prepare and file a petition in the form required by the Rules of Civil Procedure and shall appear before a Judge of the Court of Common Pleas.

C. if the plaintiff requests the issuance of a temporary order, the next business day in the Court of Common Pleas, a Judge will, at the earliest possible time consistent with his/her schedule, conduct an *ex parte* temporary hearing with the plaintiff.

Rule 1211. Certification to Court of Common Pleas.

A certification of the Magisterial District Judge's record for emergency order shall be forwarded to Court Administration by 8:30 a.m. the next business day, who shall immediately file the record with the Prothonotary's Office so that the record is available to the Court of Common Pleas.

These rules shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

1. A certified copy of this Order shall be submitted to the Civil Procedural Rules Committee for review.

2. Upon receipt of a statement from the Civil Procedural Rules Committee that the local rules are not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts.

4. A copy of the proposed local rules shall be published on the 51st Judicial District website.

5. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying.

6. The effective date of the local rules shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 23-1356. Filed for public inspection October 6, 2023, 9:00 a.m.]

SUPREME COURT**Reaccreditation of the National Board of Trial
Advocacy as a Certifying Organization for Civil
Trial Advocacy and Criminal Trial Advocacy; No.
239 Disciplinary Rules Docket****Order***Per Curiam*

And Now, this 26th day of September, 2023, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Board of Trial Advocacy is hereby reaccredited as a certifying organization for civil trial advocacy and criminal trial advocacy for a period of five years, commencing June 1, 2024.

[Pa.B. Doc. No. 23-1357. Filed for public inspection October 6, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Triennial Review of Water Quality Standards

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards) to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of July 11, 2023.

A. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. Once approved by the United States Environmental Protection Agency (EPA), water quality standards are used to implement the Federal Clean Water Act (CWA) (33 U.S.C. §§ 1251–1389).

B. *Contact Persons*

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

C. *Statutory and Regulatory Authority*

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

D. *Background and Purpose*

Water quality standards are instream water quality goals that are implemented by imposing specific regulatory requirements and permit conditions (such as treatment requirements, effluent limits and best management practices (BMP)) on individual sources of pollution. They include protected water uses, the specific numeric and narrative criteria necessary to achieve and maintain those water uses, and antidegradation requirements. Section 303(c)(1) of the CWA and the Federal regulations at 40 CFR 131.20 (relating to state review and revision of water quality standards) require states to periodically, but at least once every 3 years, review and revise as necessary their water quality standards. Under this Federal regulation, a state must provide an explanation to the EPA if the state does not adopt criteria that the EPA has published.

The surface waters of this Commonwealth are protected for a variety of water uses including: aquatic life; drinking water supplies for humans, livestock and wildlife; irrigation for crops, turf and other horticultural activities; industrial water supplies; fish consumption; recreation; and special protection. Water quality criteria are those elements of water quality standards representing the quality of water that support protected water uses and can be expressed as constituent concentrations or narrative statements. Water quality criteria represent the conditions sufficient for maintenance or attainment of the chemical, physical and biological integrity of water bodies and water uses. Since states must adopt scientifically defensible criteria that protect water uses, criteria recommendations are made independent of other considerations.

Water quality standards are an important element of the Commonwealth's water quality management program and have existed in this Commonwealth for over 75 years. The program began with the establishment of the Sanitary Water Board (SWB) in 1923. The SWB was abolished on January 19, 1971, and the responsibilities for developing and maintaining the water quality criteria and standards were transferred to the Department of Environmental Resources (DER). New or revised specific water quality criteria and standards were developed by DER for all surface waters in this Commonwealth, and formally adopted into Chapter 93 on September 10, 1971.

DER completed its first triennial review of the Commonwealth's water quality standards in 1979. Since the CWA requires that states periodically review and revise their water quality standards, DER completed additional revisions in 1985, 1989 and 1994. The Conservation and Natural Resources Act (71 P.S. §§ 1340.101–1340.1103), enacted in 1995, replaced DER with the Department of Conservation and Natural Resources and the Department. The Department subsequently completed additional revisions to the Commonwealth's water quality standards in 2000, 2004, 2009, 2013 and 2020. This proposed rulemaking fulfills the Commonwealth's obligation to periodically review and revise its water quality standards and updates the water quality standards to ensure the surface waters of this Commonwealth are afforded the appropriate level of protection.

The EPA provided recommendations to the Department for this triennial review of water quality standards in a letter dated March 11, 2022. These recommendations included the following: consideration of all new or updated EPA criteria recommendations, developed by the EPA under section 304(a) of the CWA (33 U.S.C. § 1314(a)), that have been published since May 30, 2000, and not yet adopted by the Commonwealth; clarification of the duration and frequency components of the Commonwealth's aquatic life criteria; consideration of the EPA's 2012 methodology for the development of secondary contact recreational water quality criteria; and the addition of a cross reference to the Department's compliance schedule provision in Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance).

On November 17, 2022, the Department met with the Water Resources Advisory Committee (WRAC) to discuss the proposed amendments to Chapter 93. WRAC voted to support presentation of this proposed rulemaking to the

Board. In addition, on December 8, 2022, the Department provided to the Agricultural Advisory Board a regulatory review that included this triennial review of water quality standards.

E. Summary of Regulatory Requirements

The following is a detailed description of proposed amendments to Chapter 93.

§ 93.1. Definitions

The Board proposes to delete a reference to Appendix A, Table 1A from the definition of “toxic substance” in § 93.1 (relating to definitions). This table was deleted from Chapter 16 (relating to water quality toxics management strategy—statement of policy) in the previous triennial review of water quality standards and the amended policy was published in the *Pennsylvania Bulletin* at 50 Pa.B. 3426 (July 11, 2020).

§ 93.7. Specific water quality criteria—Table 3

The Board proposes to add language to § 93.7(a) (relating to specific water quality criteria) that clarifies the duration period for the aquatic life use criteria found in Table 3. Unless otherwise specified in § 93.7, the duration period of the aquatic life criteria with minimum or maximum values, and of the pH criterion, is a one-hour average as defined in § 93.1. Aquatic life criteria consist of a magnitude, duration and frequency. In general, the EPA recommends a duration period of one-hour for acute criteria in accordance with the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (Stephan et al. 1985) and the EPA’s *Technical Support Document for Water Quality-based Toxics Control* (EPA 1991).

§ 93.8c. Human health and aquatic life criteria for toxic substances

The Board proposes to add subsection (c) that clarifies the duration periods for the aquatic life criteria in Table 5. Unless otherwise specified in § 93.8c (relating to human health and aquatic life criteria for toxic substances), the aquatic life criteria duration periods for criteria maximum concentration (CMC) values and criteria continuous concentrations (CCC) values are a one-hour average and a four-day average, respectively, as defined in § 93.1. These criteria duration periods are part of the CWA section 304(a) criteria recommendations that were previously adopted by the Department and are otherwise consistent with the EPA’s criteria duration recommendations as published in the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (Stephan et al. 1985) and the EPA’s *Technical Support Document for Water Quality-based Toxics Control* (EPA 1991).

The Board proposes additions and amendments to the human health and aquatic life criteria in Table 5—Water Quality Criteria for Toxic Substances. These additions and amendments are proposed to reflect the latest scientific information and are consistent with the Department’s Water Quality Toxics Management Strategy—Statement of Policy, and §§ 16.22 and 16.32 (relating to criteria development; and threshold level toxic effects). Additionally, the proposed criteria are consistent with existing EPA policies outlined in the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA 2000) and the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*

(Stephan et al. 1985). The Board is proposing updated or new aquatic life and human health criteria for cadmium, carbaryl, tributyltin, acetone, barium, boron, chloroform, formaldehyde, methyl ethyl ketone, metolachlor, resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,4-dioxane, chlorophenoxy herbicide (known as 2,4-D) and xylene.

The Board also proposes to update the acronyms and footnotes to Table 5. These updates include the following: the replacement of the existing H and CRL column with a new “Notes” column; the replacement of the word “footnotes” with “notes” in “Acronyms and Footnotes to Table 5”; the replacement of the existing footnote symbols with numerals; the replacement of the existing H and CRL acronyms with numerals; and the addition of a numeral to clarify that several aquatic life criteria have duration periods that are instantaneous and 24-hour.

Summary of Table 5 proposed criteria

Cadmium is a relatively rare, naturally occurring metal found in mineral deposits that is widely distributed at low concentrations in the environment. Cadmium enters the environment through both anthropogenic and natural pathways including mining, agriculture, urban activities, industrial waste, manufacturing, coal ash, use of fossil fuels, incineration, municipal effluent, weathering and erosion of rocks and soils, and natural combustion from volcanoes and forest fires. The concentration of cadmium in unpolluted freshwaters is usually very low and often nondetectable, but solubility is dependent upon factors such as pH, hardness, alkalinity and organic matter. Increased hardness has been shown to ameliorate the toxic effects of cadmium in freshwater animals. Cadmium is a non-essential metal that has no biological function in animals, and it is acutely toxic to aquatic animals. Cadmium is a known teratogen, carcinogen and a probable mutagen. The EPA published updated section 304(a) aquatic life criteria recommendations for cadmium in 2016. The Department completed a comprehensive review of the EPA’s 2016 recommendations as detailed in the Department’s criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Aquatic Life Use—Cadmium* (DEP 2022c) and determined they are appropriate for this Commonwealth. The Board’s proposed acute and chronic cadmium criteria for the protection of aquatic life are equation-based and will be dependent upon instream hardness. These criteria are consistent with the EPA’s current section 304(a) criteria recommendations.

Carbaryl is a broad-spectrum insecticide, commonly known as Sevin®. In addition to being a broad-spectrum insecticide, carbaryl is also registered for use as a mosquito adulticide, a molluscicide, in pet care products and to thin fruit in orchards to enhance fruit size and repeat bloom. Since carbaryl is moderately mobile in soils, it enters aquatic environments primarily through stormwater runoff from areas where it has been applied, including agricultural and urbanized areas. Carbamate insecticides inhibit acetylcholinesterase in animals, which can lead to uncontrolled movement, paralysis, convulsions, tetany and possibly death. The EPA published section 304(a) aquatic life criteria recommendations for carbaryl in 2012. The Department completed a comprehensive review of the EPA’s 2012 recommendations as detailed in the Department’s criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Aquatic Life Use—Carbaryl* (DEP 2022d) and determined they are appropriate for this Commonwealth. The Board’s proposed criteria

for the protection of aquatic life from carbaryl toxicity are 2.1 µg/L for acute toxicity and 2.1 µg/L for chronic toxicity. These criteria are consistent with the EPA's current section 304(a) criteria recommendations.

Tributyltin, also known as TBT, falls within a large class of chemicals described as organotins. Organotins, such as TBT, are used extensively in the manufacturing of plastic products and less extensively as biocides and as preservatives for wood, textiles, paper, leather and electrical equipment. The largest direct release of TBT into aquatic environments is most likely the result of anti-fouling paints being used on ships, boats, nets, crab pots, docks and water cooling towers. TBT is the most toxic organotin to aquatic life. TBT disrupts the normal flow of ions across cell membranes leading to cell death. It is also an endocrine-disrupting chemical that causes masculinization of certain female gastropods (for example, snails). The EPA published section 304(a) aquatic life criteria recommendations for TBT in 2004. The Department completed a comprehensive review of the EPA's 2004 recommendations as detailed in the Department's criteria rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Aquatic Life Use—Tributyltin* (DEP 2022e) and determined they are appropriate for this Commonwealth. The Board's proposed criteria for the protection of aquatic life from TBT toxicity is 0.46 µg/L for acute toxicity and 0.072 µg/L for chronic toxicity. These criteria are consistent with the EPA's current section 304(a) criteria recommendations.

Acetone is an organic solvent that has industrial, laboratory, medical and domestic applications. Human exposure to acetone may occur through inhalation, dermal absorption or ingestion of food and water. Acetone is generally produced by the human body in small quantities. However, individuals who choose a ketogenic diet or take ketone supplements may be at increased risk of exposure. Among the general public, cigarette smokers and individuals who frequently use acetone-based nail polish removers are also at increased risk. In addition, professional painters, salon workers, factory workers and commercial and household cleaning professionals are more likely to be exposed to acetone at higher concentrations. The Department is making updates to the existing acetone water quality criterion, which was previously approved by the EPA in 2000, based on new toxicity information and exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for acetone utilizing current toxicity information published in the EPA's Integrated Risk Information System (IRIS) database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for acetone has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 6,000 µg/L.

Barium is a naturally occurring metal found in underground mineral deposits that has many important industrial uses and some medical uses. Human exposure to barium may occur through inhalation or ingestion of food and water. High amounts of barium can be found in some foods including Brazil nuts, seaweed, fish and certain

plants. Individuals working in industries that make or use barium compounds have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing barium water quality criterion, which was previously approved by the EPA in 2000, based on new toxicity information and exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for barium utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for barium has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 1,000 µg/L.

Boron is a naturally occurring element found in the earth's crust. When boron combines with oxygen, it forms compounds called borates including boric acid, boron oxide and sodium tetraborates (that is, borax). Borates are used in the manufacture of industrial and consumer products including fire retardants, pesticides, glass, ceramics, soaps, bleaches and detergents. Human exposure to boron may occur through inhalation, dermal contact or ingestion of food and water. High amounts of boron can be found in some foods including nuts, dried fruits, avocado and peanuts. Individuals working in industries that make or use borate compounds have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing boron water quality criterion, which was previously approved by the EPA in 2000, based on new toxicity information and exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for boron utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for boron has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 1,000 µg/L.

Chloroform is a colorless, volatile liquid. Chloroform produced in the United States today is primarily used to make other chemicals, such as refrigerants. However, it can also form as a byproduct of adding chlorine to water, which is a common practice in the treatment of drinking water and wastewater. Human exposure to chloroform may occur through inhalation, dermal contact or ingestion of food and water. Individuals living near or working in industries that make or use chloroform, living near municipal and industrial wastewater treatment plants and incinerators or paper and pulp plants, and receiving water from contaminated water sources have the greatest known risk of exposure to high concentrations. The EPA published an updated section 304(a) human health criterion recommendation for chloroform in 2015. The Depart-

ment completed a comprehensive review of the EPA's 2015 recommendation as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a) and determined it is appropriate for this Commonwealth. The Board's proposed criterion is 60 µg/L, which is consistent with the EPA's current section 304(a) criterion recommendation.

Formaldehyde is a colorless, flammable gas at room temperature. Formaldehyde can be found in many household items including antiseptics, medicines, cosmetics, dish-washing detergents, fabric softeners, carpet cleaners, glues and adhesives, lacquers, plastics, paper and some types of wood products. It is also used in the production of sugar, fertilizers, paper, well-drilling fluids, latex, leather (tanning process), photographic film, embalming fluid, plywood and urea-formaldehyde resins. Human exposure to formaldehyde occurs primarily through inhalation but may also occur through ingestion of food and water. Individuals living near or working in industries that make or use formaldehyde have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing formaldehyde water quality criterion, which was previously approved by the EPA in 2000, based on new exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for formaldehyde utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for formaldehyde has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 1,000 µg/L.

Methyl ethyl ketone, also known as 2-butanone, is an organic, colorless liquid. Methyl ethyl ketone is used in the production of synthetic leathers, transparent paper and aluminum foil. It is also used as a solvent for paints, lacquers, rubber cement, printing inks, paint removers, vinyl films, resins, rosins, polystyrene, chlorinated rubber, polyurethane, acrylic coatings and cleaning solutions. Human exposure to methyl ethyl ketone may occur through inhalation, dermal contact or ingestion of food and water. Individuals working in industries that use methyl ethyl ketone have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing methyl ethyl ketone water quality criterion, which was previously approved by the EPA in 2000, based on new toxicity information and exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for methyl ethyl ketone utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium,*

Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for methyl ethyl ketone has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 4,000 µg/L.

Metolachlor is an organic compound that is widely used as an agricultural and commercial herbicide. Human exposure to metolachlor may occur through inhalation, dermal contact or ingestion of food and water. Individuals living within or very near to areas of heavy agricultural use or who are involved in the production, formulation, handling or application of metolachlor have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing metolachlor water quality criterion, which was previously approved by the EPA in 2008, based on new toxicity information and exposure inputs developed by the EPA. In 2004, the EPA announced that chemicals used as pesticides would not be reassessed by the IRIS program. The Department has recalculated the Commonwealth's human health criterion for metolachlor utilizing current toxicity information published in the EPA's *Reregistration Eligibility Decision (RED) Metolachlor* (RED document, EPA 1995) and updated human health exposure inputs for body weight, drinking water intake and fish intake. Based on its low potential for bioaccumulation, the human health criterion for metolachlor has been calculated with a total bioaccumulation factor of 1. According to the RED document, a cancer potency factor was recommended in 1991 but later retracted in 1994. In 1994, the Health Effects Division Peer Review Committee recommended a margin of exposures (MOE) approach for metolachlor since there was no supportable mutagenicity concern and in light of new information on the relative metabolism of metolachlor. The MOE was calculated from a no-observed-adverse-effect-level (NOAEL) of 15 mg/kg/day. Since the reference dose is based on a NOAEL of 9.7 mg/kg/day, cancer concerns are adequately addressed. The Department had previously applied an additional safety factor of 10 to the reference dose since the EPA had not published a cancer potency factor, but this cancer safety factor has been removed based on the 1995 RED document information. The Board's proposed criterion is 700 µg/L.

Resorcinol is a white crystalline compound. It is largely used by the rubber industry in the manufacture of tires and other fiber-reinforced rubber mechanical goods, such as conveyor and driver belts. Resorcinol is also used in manufacture of dyes, pharmaceuticals, flame retardants, agricultural chemicals, fungicidal creams and lotions, explosive primers, antioxidants and specialty chemicals. Human exposure to resorcinol may occur through inhalation, dermal contact or ingestion of food and water. Individuals working in industries that manufacture or use resorcinol have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing resorcinol water quality criterion, which was previously approved by the EPA in 2013, based on new exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for resorcinol utilizing the previously used toxicity information and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol,*

1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for resorcinol has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 3,000 µg/L.

1,2,3-trichloropropane is a colorless, non-naturally occurring liquid. It is commonly used as a chemical intermediate in the production of other chemicals. 1,2,3-trichloropropane was also used as a solvent and extraction agent in the past. Human exposure to 1,2,3-trichloropropane may occur through inhalation, dermal contact or ingestion of food and water. Individuals living near or working in industries that manufacture 1,2,3-trichloropropane have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing 1,2,3-trichloropropane water quality criterion, which was previously approved by the EPA in 2000, based on new exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for 1,2,3-trichloropropane utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for 1,2,3-trichloropropane has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 30 µg/L.

1,2,4-trimethylbenzene is a colorless liquid. It is used as a solvent in the manufacture of dyes, perfumes and resins; in the manufacture of pharmaceuticals; as an industrial solvent and paint thinner; and as a fuel additive. Human exposure to 1,2,4-trimethylbenzene may occur through inhalation, dermal contact or ingestion of food and water. Individuals living near or working in industries that manufacture or use 1,2,4-trimethylbenzene have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing 1,2,4-trimethylbenzene water quality criterion, which was previously approved by the EPA in 2013, based on new exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for 1,2,4-trimethylbenzene utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). The total bioaccumulation used in the calculation of the 1,2,4-trimethylbenzene criterion is 439. This value was provided by the EPA as a bioconcentration factor (EPA 1994). The Board's proposed criterion is 10 µg/L.

1,3,5-trimethylbenzene is a colorless liquid. It is used as a solvent in the manufacture of dyes, perfumes and resins; and as an industrial solvent and paint thinner. Human exposure to 1,3,5-trimethylbenzene may occur

through inhalation, dermal contact or ingestion of food and water. Individuals living near or working in industries that manufacture or use 1,3,5-trimethylbenzene have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing 1,3,5-trimethylbenzene water quality criterion, which was previously approved by the EPA in 2013, based on new exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for 1,3,5-trimethylbenzene utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). The total bioaccumulation used in the calculation of the 1,3,5-trimethylbenzene criterion is 439. This value was provided by the EPA as a bioconcentration factor (EPA 1994). The Board's proposed criterion is 10 µg/L.

1,4-dioxane is a synthetic, clear, colorless liquid at room temperature. It is primarily used as a solvent, but it was historically used as a stabilizer for the solvent 1,1,1-trichloroethane and can show up as a contaminant in ethoxylated surfactants. These substances are commonly used in consumer cosmetics, detergents and shampoos. Human exposure to 1,4-dioxane may occur through inhalation, dermal contact and ingestion of food and water. Individuals who work in industries that manufacture or use 1,4-dioxane have the greatest known risk of exposure to high concentrations. The Department has calculated the Commonwealth's human health criterion for 1,4-dioxane utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—1,4-Dioxane* (DEP 2022b). Based on its low potential for bioaccumulation, the human health criterion for 1,4-dioxane has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 0.3 µg/L.

Chlorophenoxy herbicide (2,4-D) is an herbicide used to control broad-leaved weeds in cereals, grain crops, roadsides and farm buildings. 2,4-D is currently registered as a pesticide by the EPA and is one of the most widely used agricultural herbicides in the United States. Human exposure to 2,4-D may occur through inhalation, dermal contact and ingestion of food and water. Individuals living within or very near to areas of heavy agricultural use or who are involved in the production, formulation, handling or application of 2,4-D have the greatest known risk of exposure to high concentrations. The EPA published an updated section 304(a) human health criterion recommendation for 2,4-D in 2015. The Department completed a comprehensive review of the EPA's 2015 recommendation as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a) and determined it is appropriate for this

Commonwealth. The Board's proposed criterion is 1,300 µg/L, which is consistent with the EPA's current section 304(a) criterion recommendation.

Xylene is primarily a synthetic, colorless, flammable liquid produced from petroleum. It is commonly produced in the United States and is used as an industrial solvent, a paint thinner, a cleaning agent, in the manufacture of plastics, and as a material in chemical, plastics and synthetic fiber industries. Human exposure to xylene may occur through inhalation, dermal contact or ingestion of food and water. Individuals living near or working in industries that manufacture xylene have the greatest known risk of exposure to high concentrations. The Department is making updates to the existing xylene water quality criterion, which was previously approved by the EPA in 2000, based on new exposure inputs developed by the EPA. The Department has recalculated the Commonwealth's human health criterion for xylene utilizing current toxicity information published in the EPA's IRIS database and updated human health exposure inputs for body weight, drinking water intake and fish intake as detailed in the Department's criterion rationale document titled *Rationale for the Development of Ambient Water Quality Criteria for Protection of Human Health—Acetone, Barium, Boron, Chloroform, Formaldehyde, Methyl ethyl ketone, Metolachlor, Resorcinol, 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, Chlorophenoxy herbicide (2,4-D), and Xylene* (DEP 2022a). Based on its low potential for bioaccumulation, the human health criterion for xylene has been calculated with a total bioaccumulation factor of 1. The Board's proposed criterion is 1,000 µg/L.

§ 93.8e. Special criteria for the Great Lakes System

The Board proposes to add subsection (b.1) that clarifies the duration periods for the aquatic life criteria in Table 6—Great Lakes Aquatic Life and Human Health Criteria. Unless otherwise specified in § 93.8e (relating to special criteria for the Great Lakes System), the aquatic life criteria duration periods for CMC values and CCC values are a one-hour average and a four-day average, respectively, as defined in § 93.1.

The Board also proposes to update the acronyms and footnotes to Table 6. These updates include: the replacement of the existing H and CRL column with a new "Notes" column; the replacement of the word "footnotes" with "notes" in "Acronyms and Footnotes to Table 6"; the replacement of the existing footnote symbols with numerals; and the replacement of the existing H and CRL acronyms with numerals.

§ 93.9. Designated water uses and water quality criteria

The Board proposes to add language to subsection (a) that clarifies the duration period for certain criteria listed as "exceptions to specific criteria" in the following drainage lists in § 93.9e (relating to Drainage List E), § 93.9o (relating to Drainage List O), and § 93.9x (relating to Drainage List X). A duration period of a one-hour average, defined in § 93.1, applies to those criteria. The EPA recommends a duration period of one-hour for acute criteria in accordance with the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (Stephan et al. 1985) and its *Technical Support Document for Water Quality-based Toxics Control* (EPA 1991).

Exceptions for fishable/swimmable waters

The triennial review of water quality standards requires that states reexamine water body segments, where the fishable or swimmable designated uses specified in

section 101(a)(2) of the CWA, have been removed, to determine if those uses are now attainable. There are two waterbodies in this Commonwealth where the fishable or swimmable uses have been removed including the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay (§ 93.9x), and several zones in the Delaware Estuary (§ 93.9e and § 93.9g (relating to Drainage List G)).

The Water Contact Sports (WC) designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay. This decision to remove the WC protected use was supported by a Use Attainability Analysis (UAA) study conducted in 1985 by DER. Because the same conditions exist today, as described in the UAA, no change is proposed to the designated use for Outer Erie Harbor/Presque Isle Bay.

In April 1989, DER cooperated with the Delaware River Basin Commission (DRBC), the Federal government and other DRBC signatory states on a comprehensive UAA study in the lower Delaware River and Delaware Estuary. This study resulted in recommendations regarding the DRBC's primary contact recreation designated use (synonymous with this Commonwealth's WC protected use), which the DRBC included in its regulations for water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. The DRBC standards are referenced in §§ 93.9e and 93.9g.

In addition, limited aquatic life uses for Zones 3 and 4, and upper Zone 5 of the Delaware Estuary basin were also incorporated into §§ 93.9e and 93.9g, which also date back to the original Article 301—Water Quality Criteria that were added to the SWB's rules and regulations in 1967. These are described in §§ 93.9e and 93.9g as Warm Water Fishes (WWF) (Maintenance Only) and Migratory Fishes (MF) (Passage Only) for tidal portions of the basin, from river mile 108.4 to the Pennsylvania-Delaware state border. The current designated uses within these zones refer to the DRBC's water quality standards regulations which were developed to protect only maintenance of resident fish and other aquatic life and passage of anadromous fish.

Recent data and observations suggest recovery is occurring in propagation for some species in portions of these zones. Therefore, the DRBC initiated an evaluation of available data for resident and anadromous fishes collected since 2000 to quantify spawning and early life stages, and the extent of successful reproduction for estuarine species.

Although this review continues, the DRBC found that for all nine fish species evaluated (Atlantic Sturgeon, American Shad, Striped Bass, White Perch, Bay Anchovy, Atlantic Silverside, Alewife, Blueback Herring and Atlantic Menhaden) successful reproduction was clearly demonstrated in one or more of these estuary zones. In addition, moderate to strong reproduction was demonstrated for multiple species in each zone, indicating substantial recovery in the propagation use for Zones 3 and 4, and upper Zone 5 (DRBC 2015).

The Department continues to work in cooperation with the DRBC, the Federal government and other DRBC signatory states to determine the appropriate designated use or uses that should apply in the lower Delaware River and Delaware Estuary. The parties continue to implement DRBC Resolution 2017-4 (as modified) describing the DRBC's next steps for protecting and improving the recovery taking place in the lower Delaware River

and Delaware Estuary. The parties remain committed to enhancing the surface water quality of the lower Delaware River and Delaware Estuary.

While the Department continues to work in cooperation with the DRBC, the Federal government and other DRBC signatory states to determine the appropriate designated use or uses, the Department will protect existing uses in accordance with § 93.4c(a) (relating to implementation of antidegradation requirements).

F. *Benefits, Costs and Compliance*

Benefits

Overall, this Commonwealth's residents and visitors and its natural resources benefit from providing the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of a clean water supply for human consumption, wildlife, irrigation and industrial use. It also protects aquatic life and provides for recreational opportunities such as fishing (including fish consumption), water contact sports and boating.

This Commonwealth's residents and visitors, both present and future, will benefit from having clean water that is protected and maintained at appropriate levels of water quality. A reduction in the total toxic load in this Commonwealth's surface waters is likely to have a positive effect on the human health of its residents. This will translate into a yet unknown economic benefit through avoided cleanup or remediation costs that would have been incurred later in time, as well as avoided costs for the treatment and caring for persons with diseases and disabilities that can be reasonably attributed to environmental contaminants in surface waters.

Reduced toxics in the Commonwealth's surface waters positively impacts the recreational fishing and tourism industries by increasing the availability and use of swimming and fishing locations throughout this Commonwealth. Additionally, cleaner rivers and fish may lead to increased birding and wildlife viewing opportunities, as the benefits of cleaner water and less contaminated fish cascade up the food chain, resulting in substantial economic benefits. Persons who recreate on this Commonwealth's surface waters and who fish, both for sport and consumption, in those waters will benefit from better water quality protection.

A reduction in toxics found in the waterways of this Commonwealth may also lead to increased property values for properties located near rivers or lakes. Epp and Al-Ani (1979) used real estate prices to determine the value of improvements in water quality in small rivers and streams in this Commonwealth. Water quality, whether measured in pH or by the owner's perception, has a significant effect on the price of adjacent property. The analysis by Epp and Al-Ani (1979) showed a positive correlation between water quality and housing values. They concluded that buyers are aware of the environmental setting of a home and that differences in the quality of nearby waters affect the price paid for a residential property.

A 2006 study from the Great Lakes region (Braden et al. 2006) estimated that property values were significantly depressed in two regions associated with toxic contaminants (polyaromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs) and heavy metals). The study showed that a portion of the Buffalo River region (approximately 6 miles long) had depressed property

values of between \$83 million and \$118 million for single-family homes, and between \$57 million and \$80 million for multifamily homes, as a result of toxic sediments. Braden et al. (2006) estimated that a portion of the Sheboygan River (approximately 14 miles long) had depressed property values of between \$80 million and \$120 million as the result of toxics. While this study related to the economic effect of contaminated sediment in other waters in the Great Lakes region, the idea that toxic pollution depresses property values applies in this Commonwealth. A reduction in toxic pollution in this Commonwealth's surface waters has a substantial economic benefit to property values in close proximity to waterways.

Southwick Associates has prepared several reports for the Theodore Roosevelt Conservation Partnership that analyze the economic contribution of outdoor recreation in this Commonwealth. A 2018 report (Southwick Associates 2018) found that during 2016 there were more than 390,000 jobs supported by outdoor recreation activities in this Commonwealth, and that, for comparison, this was more than the number of jobs in this Commonwealth that supported the production of durable goods during the same year. This report also found that, in 2016, outdoor recreation had an economic contribution in this Commonwealth of almost \$17 billion in salaries and wages paid to employees and generated over \$300 million in Federal, State and local tax revenue. An updated report (Southwick Associates 2020) revealed that economic contributions from outdoor recreation increased from nearly \$17 billion in salaries and wages paid to employees in 2016 to nearly \$20 billion in 2020. The 2020 report also continued to highlight the fact that "more Pennsylvania jobs are supported by outdoor recreation than by the production of durable goods." The 2020 report found that, in 2020, outdoor recreation activities supported more than 430,000 jobs and contributed more than \$32 billion to the Commonwealth's state gross domestic product and generated over \$6.5 billion in tax revenue at the Federal, State and local levels, which is a significant increase from the 2016 tax revenue total of over \$300 million.

There are also economic benefits to be gained by having clearly defined remediation standards for surface waters. Under the Commonwealth's Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908), liability relief is available, by operation of law, if a person demonstrates compliance with the environmental remediation standards established by the law. Surface water quality criteria are used to develop remediation standards under the law. Persons performing remediation depend upon these criteria to obtain a liability relief benefit under the law. Industrial land redevelopers will benefit from these regulations by having financial certainty when choosing a surface water cleanup standard and by being eligible for liability relief under State law.

It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Protection and maintenance of water quality at appropriate levels as supported by the latest science ensures that the surface waters of this Commonwealth can support all current and potential future uses.

Compliance costs

This proposed rulemaking is necessary to improve total pollution control in this Commonwealth and may impose additional compliance costs on the regulated community.

The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

The proposed amendments will be implemented through the Department's permit and approval actions as new and renewed permits are issued. Persons with existing permitted discharges or proposing to add new discharge points to a stream could be adversely affected upon permit issuance or permit renewal if they need to provide new or higher levels of treatment to meet any new or updated water quality standard established by this proposed rulemaking. For example, increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for increased monitoring and sampling costs and higher treatment costs for new or expanded discharges to streams to meet any new or updated water quality standards. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and BMPs may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

There are approximately 10,300 facilities across this Commonwealth that hold permits issued under Chapter 92a. The Department identified 274 active National Pollutant Discharge Elimination System (NPDES) permits with effluent limitations for one or more of the toxic substances included in this proposed rulemaking. These 274 active NPDES permits include permits for treated sewage, industrial waste, groundwater remediation and stormwater associated with industrial activities.

The Department reviewed sampling cost information for each toxic substance that was available in the National Environmental Monitoring Index (NEMI). NEMI is a freely available compendium of information on a variety of environmental analytical test methods that was developed by the National Water Quality Monitoring Council in collaboration with partners in the Federal, State and private sectors. A review of the EPA-approved analytical test methods for each toxic substance revealed that the average cost per sample for many of these substances ranges between \$201 and \$400. A few of the analytical test methods, such as Method 4500-B B for boron, have an estimated cost per sample of less than \$50 while other analytical methods, such as Method 1624 for methyl ethyl ketone, have an estimated cost per sample of over \$400. Costs estimates were available in NEMI for each of the toxic substances in this proposed rulemaking except for tributyltin. Note that no additional costs will be incurred by the 274 NPDES permit holders that currently have effluent limitations for one or more of these substances as a result of this proposed rulemaking since these entities are already required to monitor for these substances. Additional costs may be incurred for new or renewed permits if new water-quality-based effluent limitations are required to achieve any new or updated water quality criteria for the toxic substances in this proposed rulemaking.

Compliance assistance plan

This proposed rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. This proposed rulemaking is consistent with and based on existing

Department regulations. The proposed amendments extend appropriate protections to all surface waters in this Commonwealth and are consistent with antidegradation requirements established by the CWA and the CSL. Surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the Commonwealth's water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the NPDES permitting program bases effluent limitations on the protected water uses of the stream, and the water quality criteria developed to maintain those uses. These effluent limits are established to ensure water quality is protected and maintained.

Paperwork requirements

This proposed rulemaking should not generate new paperwork requirements on the Commonwealth, local governments, political subdivisions or the private sector. This proposed rulemaking will be implemented using existing permitting and other paperwork.

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G. *Pollution Prevention*

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

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses. The proposed amendments will be implemented through the Department's permit and approval actions. For example, the NPDES program will establish effluent limitations in permits based on the more stringent of technology-based or water quality-based effluent limits. Water quality-based effluent limits are determined by the protected water uses of the receiving stream and the water quality criteria necessary to achieve those designated and existing uses.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 6, 2023, the Department submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

J. *Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by November 21, 2023.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgment of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. *Public Hearings*

The Board will hold one virtual public hearing for the purpose of accepting comments on this proposed rulemaking. The hearing will be held on November 14, 2023, at 1 p.m.

Persons wishing to present testimony at a hearing are requested to contact Casey Damicantonio for the Department and the Board, (717) 783-8727 or RA-EPEQB@pa.gov, at least 1 week in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Casey Damicantonio by 5 p.m. on November 6, 2023.

Oral testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at one hearing. Witnesses may provide testimony by means of telephone or Internet connection. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit a written copy of their verbal testimony by e-mail to RegComments@pa.gov after providing testimony at the hearing.

Information on how to access the virtual public hearing will be available on the Board’s webpage found through the Public Participation tab on the Department’s web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board”). Prior to a hearing, individuals are encouraged to visit the Board’s webpage for the most current information for accessing the hearing.

Members of the public wishing to observe a virtual public hearing without providing testimony are also directed to access the Board’s webpage.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

RICHARD NEGRIN,
Chairperson

(Editor’s Note: See 53 Pa.B. 6191 (October 7, 2023) for a proposed statement of policy relating to this proposed rulemaking.)

Fiscal Note: 7-577. No fiscal impact; recommends adoption.

Annex A

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

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE II. WATER RESOURCES

**CHAPTER 93. WATER QUALITY STANDARDS
GENERAL PROVISIONS**

§ 93.1. Definitions.

* * * * *

Toxic substance—A chemical or compound in sufficient quantity or concentration which is, or may become, harmful to human, animal or plant life. The term includes, but is not limited to, priority pollutants and those substances, which are identified in Tables 5 and 6 **(relating to water quality criteria for toxic substances; and Great Lakes aquatic life and human health criteria)**. [**Additional toxic substances are also described in Chapter 16 Appendix A, Table 1A (relating to site-specific water quality criteria for toxic substances).**]

* * * * *

WATER QUALITY CRITERIA

§ 93.7. Specific water quality criteria.

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. These exceptions will be indicated on a stream-by-stream or segment-by-segment basis by the words “Add” or “Delete” followed by the appropriate symbols described elsewhere in this chapter. Other spe-

cific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations. **Unless otherwise specified in Table 3, the duration of aquatic life criteria with “minimum” or “maximum” values is a one-hour average. The duration of the pH criterion in Table 3 is a one-hour average.**

* * * * *

§ 93.8c. Human health and aquatic life criteria for toxic substances.

(a) Table 5 **(relating to water quality criteria for toxic substances)** and the table of site-specific criteria maintained by the Department list the aquatic life and human health criteria for toxic substances which the Department uses in development of effluent limitations in NPDES Permits and for other purposes. The human health criteria, which include probable modes of exposure (such as, but not limited to ingestion from drinking water and fish consumption, inhalation and dermal absorption), are further defined as to the specific effect (that is, cancer or threshold health effects). For those aquatic life criteria which are a function of local water quality conditions and are specified as a formula, such as several of the heavy metals, the values used for the local water quality condition to derive the appropriate water quality criteria shall be determined by instream measurements or best estimates based on reference waters that are representative of the median concentrations or conditions of the receiving water for the applicable time period and design conditions. Instream measurements for the water quality condition will be gathered using Department data collection protocols. The priority pollutants are a set of specific chemical pollutants regulated by EPA. The priority pollutant numbers (PP NO) used by the EPA to identify priority pollutants are included in Table 5 for reference purposes. The toxics without a PP NO are nonpriority pollutants or State-derived criteria.

(b) Some of these criteria may be superseded for the Delaware Estuary, Ohio River Basin, Lake Erie Basin, and Genesee River Basin under interstate and international compact agreements with the Delaware River Basin Commission, Ohio River Valley Sanitation Commission and International Joint Commission, respectively. Water quality criteria for the Great Lakes System are contained in § 93.8e (relating to special criteria for the Great Lakes System) and Table 6 (relating to Great Lakes [**Aquatic Life and Human Health Criteria**] **aquatic life and human health criteria**). Criteria in Table 5 may apply to the Great Lakes System for those substances not listed in Table 6. Criteria may be developed for the Great Lakes System for substances other than those listed in Tables 5 and 6, under the methodologies in § 16.61 (relating to special provisions for the Great Lakes system).

(c) Unless otherwise specified in this section, the aquatic life criteria in Table 5 have the following duration periods:

(1) One-hour average for criteria maximum concentrations.

(2) Four-day average for criteria continuous concentrations.

TABLE 5
WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

PP	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
			Criteria Continuous	Criteria Maximum		
NO			[Concentrations (ug/L)] Concentration (ug/L)		[(ug/L)] (ug/L)	
1M	ANTIMONY	7440360	220	1100	5.6 [†]	[H] 2,5
2M	ARSENIC	7440382	150 (As3+)	340 (As3+)	10	[H] 2
3M	BERYLLIUM	7440417	N/A	N/A	N/A	-
4M	CADMIUM	7440439	[*] [1.101672 · (ln[H] x 0.041888)] x [Exp(0.7409 x ln[H] - 4.719)] Exp(0.7977 x ln([H]) - 3.909)	[*] [1.136672 · (ln[H] x 0.041888)] x [Exp(1.0166 x ln[H] - 3.924)] Exp(0.9789 x ln([H]) - 3.866)	N/A	[-] 3
			(ex: @H=100, CCC= [0.25] 0.72)	(ex: @H=100, CMC= [2.0] 1.8)		
			(ex: @ H=50, CCC= 0.43)	(ex: @ H=50, CMC= 0.94)		
			(ex: @ H=25, CCC= 0.25)	(ex: @ H=25, CMC= 0.49)		
5M	CHROMIUM III	16065831	[*] 0.860 x Exp(0.819 x ln[H] + 0.6848)	[*] 0.316 x Exp(0.819 x ln[H] + 3.7256)	N/A	[-] 3
			(ex: @H=100, CCC=74)	(ex: @H=100, CMC=570)		
5M	CHROMIUM VI	18540299	[*] 11	[*] 16	N/A	[-] 3
6M	COPPER	7440508	[*] 0.960 x Exp(0.8545 x ln[H] - 1.702)	[*] 0.960 x Exp(0.9422 x ln[H] - 1.700)	N/A	[-] 3
			(ex: @H=100, CCC=9.0)	(ex: @H=100, CMC=13)		
7M	LEAD	7439921	[*] [1.46203 · (ln[H] x 0.145712)] x Exp(1.273 x ln[H] - 4.705)	[*] [1.46203 · (ln[H] x 0.145712)] Exp(1.273 x ln[H] - 1.460)	N/A	[-] 3
			(ex: @H=100, CCC=2.5)	(ex: @H=100, CMC=65)		
8M	MERCURY	7439976	[*] 0.77 (Hg2+)	[*] 1.4 (Hg2+)	0.05	[H] 2,3
9M	NICKEL	7440020	[*] 0.997 x Exp(0.846 x ln[H] + 0.0584)	[*] 0.998 x Exp(0.846 x ln[H] + 2.255)	610 [†]	[H] 2,3,5
			(ex: @H=100, CCC=52)	(ex: @H=100, CMC=470)		
10M	SELENIUM	7782492	[*] 4.6	N/A	N/A	[-] 3
11M	SILVER	7440224	N/A	[*] 0.850 x Exp(1.72 x ln[H] - 6.590)	N/A	[-] 3
				(ex: @H=100, CMC=3.2)		
12M	THALLIUM	7440280	13	65	0.24 [†]	[H] 2,5
13M	ZINC	7440666	[*] 0.986 x Exp(0.8473 x ln[H] + 0.884)	[*] 0.978 x Exp(0.8473 x ln[H] + 0.884)	N/A	[-] 3
			(ex: @H=100, CCC=120)	(ex: @H=100, CMC=120)		
14M	CYANIDE, FREE	57125	5.2	22	4	[H] 2
1A	2-CHLOROPHENOL	95578	110	560	30	[H] 2
2A	2,4-DICHLOROPHENOL	120832	340	1700	10	[H] 2

PP	NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
				Criteria Continuous [Concentrations (ug/L)] (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
3A		2,4-DIMETHYLPHENOL	105679	130	660	100	[H] 2
4A		4,6-DINITRO-o-CRESOL (2 METHYL-4,6-DINITROPHENOL)	534521	16	80	2	[H] 2
5A		2,4-DINITROPHENOL	51285	130	660	10	[H] 2
E		DINITROPHENOLS	25550587	N/A	N/A	10	[H] 2
6A		2-NITROPHENOL	88755	1600	8000	N/A	.
7A		4-NITROPHENOL	100027	470	2300	N/A	.
8A		P-CHLORO-m-CRESOL (3 METHYL-4-CHLOROPHENOL)	59507	30	160	500	[H] 2
9A		PENTACHLOROPHENOL	87865	Exp(1.005x[pH]-5.134)	Exp(1.005x[pH]-4.869)	0.03	[CRL] 1
				@pH= 6.5 7.8 9.0	@pH= 6.5 7.8 9.0		
				Crit= 4.1 15 50	Crit= 5.3 19 65		
10A		PHENOL	108952	N/A	N/A	4000	[H] 2
E		2,4,5-TRICHLOROPHENOL	95954	N/A	N/A	300	[H] 2
11A		2,4,6-TRICHLOROPHENOL	88062	91	460	1.5	[CRL] 1
1V		ACROLEIN	107028	3.0	3.0	3	[H] 2
2V		ACRYLONITRILE	107131	130	650	0.06	[CRL] 1,4
3V		BENZENE	71432	130	640	0.58	[CRL] 1
5V		BROMOFORM	75252	370	1800	7	[CRL] 1
6V		CARBON TETRACHLORIDE	56235	560	2800	0.4	[CRL] 1
7V		CHLOROBENZENE	108907	240	1200	100	[H] 2
8V		CHLORODIBROMO-METHANE	124481	N/A	N/A	0.8	[CRL] 1
9V		CHLOROETHANE	75003	N/A	N/A	N/A	.
10V		2-CHLOROETHYL VINYL ETHER	110758	3500	18000	N/A	.
11V		CHLOROFORM	67663	390	1900	[5.7] 60	[H] 2
12V		DICHLOROBROMO-METHANE	75274	N/A	N/A	0.95	[CRL] 1
14V		1,1-DICHLOROETHANE	75343	N/A	N/A	N/A	.
15V		1,2-DICHLOROETHANE	107062	3100	15000	9.9	[CRL] 1
16V		1,1-DICHLOROETHYLENE	75354	1500	7500	33	[H] 2

PP	NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
				Criteria Continuous [Concentrations (ug/L)] Concentration (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
17V		1,2-DICHLOROPROPANE	78875	2200	11000	0.9	[CRL] 1
18V		1,3-DICHLOROPROPENE	542756	61	310	0.27	[CRL] 1
19V		ETHYLBENZENE	100414	580	2900	68	[H] 2
20V		METHYL BROMIDE	74839	110	550	100	[H] 2
21V		METHYL CHLORIDE	74873	5500	28000	N/A	.
22V		METHYLENE CHLORIDE	75092	2400	12000	20	[CRL] 1
23V		1,1,2,2-TETRACHLOROETHANE	79345	210	1000	0.2	[CRL] 1
24V		TETRACHLORO-ETHYLENE	127184	140	700	10	[CRL] 1
25V		TOLUENE	108883	330	1700	57	[H] 2
26V		trans-1,2-DICHLOROETHYLENE	156605	1400	6800	100	[H] 2
D		1,2 cis-DICHLORO-ETHYLENE	156592	N/A	N/A	12	[H] 2
27V		1,1,1-TRICHLOROETHANE	71556	610	3000	10000	[H] 2
28V		1,1,2-TRICHLOROETHANE	79005	680	3400	0.55	[CRL] 1
29V		TRICHLOROETHYLENE	79016	450	2300	0.6	[CRL] 1
31V		VINYL CHLORIDE	75014	N/A	N/A	0.02	[CRL] 1
1B		ACENAPHTHENE	83329	17	83	70	[H] 2
2B		ACENAPHTHYLENE	208968	N/A	N/A	N/A	.
3B		ANTHRACENE	120127	N/A	N/A	300	[H] 2
4B		BENZIDINE	92875	59	300	0.0001	[CRL] 1
5B		BENZO(a)-ANTHRACENE	56553	0.1	0.5	0.001	[CRL] 1
6B		BENZO(a)PYRENE	50328	N/A	N/A	0.0001	[CRL] 1
7B		3,4-BENZO-FLUOR-ANTHENE (BENZO(b)FLUORANTHENE)	205992	N/A	N/A	0.001	[CRL] 1
8B		BENZO(ghi)-PERYLENE	191242	N/A	N/A	N/A	.
9B		BENZO(k)-FLUORANTHENE	207089	N/A	N/A	0.01	[CRL] 1
E		BIS(CHLOROMETHYL)-ETHER	542881	N/A	N/A	0.0002	[CRL] 1
10B		BIS(2-CHLOROETHOXY)-METHANE	111911	N/A	N/A	N/A	.

PP	NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
				Criteria Continuous [Concentrations (ug/L)] Concentration (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
11B		BIS(2-CHLOROETHYL)-ETHER	111444	6000	30000	0.03	[CRL] 1
12B		BIS(2-CHLORO-1-METHYLETHYL) ETHER	108601	N/A	N/A	200	[H] 2
13B		BIS(2-ETHYLHEXYL)-PHTHALATE	117817	910	4500	0.32	[CRL] 1
14B		4-BROMOPHENYL PHENYL ETHER	101553	54	270	N/A	-
15B		BUTYLBENZYL PHTHALATE	85687	35	140	0.1	[H] 2
16B		2-CHLORONAPHTHALENE	91587	N/A	N/A	800	[H] 2
17B		4-CHLOROPHENYL PHENYL ETHER	7005723	N/A	N/A	N/A	-
18B		CHRYSENE	218019	N/A	N/A	0.12	[CRL] 1
19B		DIBENZO(a,h)ANTHRACENE	53703	N/A	N/A	0.0001	[CRL] 1
20B		1,2-DICHLOROBENZENE	95501	160	820	1000	[H] 2
21B		1,3-DICHLOROBENZENE	541731	69	350	7	[H] 2
22B		1,4-DICHLOROBENZENE	106467	150	730	300	[H] 2
23B		3,3-DICHLOROBENZIDINE	91941	N/A	N/A	0.05	[CRL] 1
24B		DIETHYL PHTHALATE	84662	800	4000	600	[H] 2
25B		DIMETHYL PHTHALATE	131113	500	2500	2000	[H] 2
26B		DI-N-BUTYL PHTHALATE	84742	21	110	20	[H] 2
27B		2,4-DINITROTOLUENE	121142	320	1600	0.05 for dinitro-toluene	[CRL] 1
28B		2,6-DINITROTOLUENE	606202	200	990	See 27B	[CRL] 1
29B		DI-N-OCTYL PHTHALATE	117840	N/A	N/A	N/A	-
30B		1,2-DIPHENYLHYDRAZINE	122667	3	15	0.03	[CRL] 1
31B		FLUORANTHENE	206440	40	200	20	[H] 2
32B		FLUORENE	86737	N/A	N/A	50	[H] 2
33B		HEXACHLOROBENZENE	118741	N/A	N/A	0.00008	[CRL] 1
34B		HEXACHLOROBUTADIENE	87683	2	10	0.01	[CRL] 1
35B		HEXACHLOROCYCLO-PENTADIENE	77474	1	5	4	[H] 2

PP	NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
				Criteria Continuous [Concentrations (ug/L)] (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
36B		HEXACHLOROETHANE	67721	12	60	0.1	[CRL] 1
37B		INDENO(1,2,3-cd)PYRENE	193395	N/A	N/A	0.001	[CRL] 1
38B		ISOPHORONE	78591	2100	10000	34	[H] 2
39B		NAPHTHALENE	91203	43	140	N/A	-
40B		NITROBENZENE	98953	810	4000	10	[H] 2
41B		N-NITROSODIMETHYL-AMINE	62759	3400	17000	0.0007 [†]	[CRL] 1,5
42B		N-NITROSODI-N-PROPYLAMINE	621647	N/A	N/A	0.005 [†]	[CRL] 1,5
43B		N-NITROSODIPHENYL-AMINE	86306	59	300	3.3 [†]	[CRL] 1,5
E		PENTACHLOROBENZENE	608935	N/A	N/A	0.1	[H] 2
44B		PHENANTHRENE	85018	1	5	N/A	-
45B		PYRENE	129000	N/A	N/A	20	[H] 2
E		1,2,4,5-TETRACHLOROBENZENE	95943	N/A	N/A	0.03	[H] 2
46B		1,2,4-TRICHLOROBENZENE	120821	26	130	0.07	[H] 2
1P		ALDRIN	309002	0.1	3	0.0000008	[CRL] 1
2P		alpha-HEXACHLORO-CYCLOHEXANE (HCH)	319846	N/A	N/A	0.0004	[CRL] 1
3P		beta-HEXACHLORO-CYCLOHEXANE (HCH)	319857	N/A	N/A	0.008	[CRL] 1
4P		gamma-HEXACHLOROCYCLO-HEXANE (HCH) (LINDANE)	58899	N/A	0.95	4.2	[H] 2
5P		delta-BHC	319868	N/A	N/A	N/A	-
<u>E</u>		<u>CARBARYL</u>	<u>63252</u>	<u>2.1</u>	<u>2.1</u>	<u>N/A</u>	-
6P		CHLORDANE	57749	0.0043	2.4	0.0003	[CRL] 1,4
E		CHLOROPHENOXY HERBICIDE (2,4-D)	94757	N/A	N/A	[1400] 1300	[H] 2
E		CHLOROPHENOXY HERBICIDE (2,4,5-TP)	93721	N/A	N/A	100	[H] 2
7P		4,4-DDT	50293	0.001	1.1	0.00003	[CRL] 1,4

PP	NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
				Criteria Continuous [Concentrations (ug/L)] Concentration (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
8P		4,4-DDE	72559	0.001	1.1	0.00002	[CRL] 1
9P		4,4-DDD	72548	0.001	1.1	0.0001	[CRL] 1
10P		DIELDRIN	60571	0.056	0.24	0.000001	[CRL] 1
11P		alpha-ENDOSULFAN	959988	0.056	0.22	20	[H] 2,4
12P		beta-ENDOSULFAN	33213659	0.056	0.22	20	[H] 2,4
13P		ENDOSULFAN SULFATE	1031078	N/A	N/A	20	[H] 2
14P		ENDRIN	72208	0.036	0.086	0.03	[H] 2
15P		ENDRIN ALDEHYDE	7421934	N/A	N/A	1	[H] 2
16P		HEPTACHLOR	76448	0.0038	0.52	0.000006	[CRL] 1
17P		HEPTACHLOR EPOXIDE	1024573	0.0038	0.5	0.00003	[CRL] 1
E		HEXACHLOROCYCLO- HEXANE (HCH)-TECHNICAL	608731	N/A	N/A	0.007	[CRL] 1
E		METHOXYCHLOR	72435	N/A	N/A	0.02	[H] 2
18P		PCB		0.014	N/A	0.000064 for PCBs [†]	[CRL] 1,4,5
25P		TOXAPHENE	8001352	0.0002	0.73	0.0007	[CRL] 1
PP		2,3,7,8-TCDD	1746016	N/A	N/A	5.0 E-9 [†]	[CRL] 1,5
E		TRIBUTYL TIN		0.072	0.46	N/A	-
D		ACETONE	67641	86000	450000	[3500] 6000	[H] 2
D		ACRYLAMIDE	79061	N/A	N/A	0.07	[CRL] 1
D		ALUMINUM	7429905	N/A	750	N/A	-
D		BARIUM	7440393	4100	21000	[2400] 1000	[H] 2
D		BENZENE METADISULFONIC ACID	98486	1600000	2600000	N/A	-
D		BENZENE MONOSULFONIC ACID	98113	1200000	2000000	N/A	-
D		BENZYL CHLORIDE	100447	N/A	N/A	0.2	[CRL] 1
D		BORON	7440428	1600	8100	[3100] 1000	[H] 2
D		2-BUTOXY ETHANOL	111762	N/A	N/A	700	[H] 2
D		COBALT	7440484	19	95	N/A	-

PP	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
			Criteria Continuous	Criteria Maximum		
			[Concentrations (ug/L)] Concentration (ug/L)	Concentration [(ug/L)] (ug/L)		
D	p-CRESOL	106445	160	800	N/A	-
D	CYCLOHEXYLAMINE	108918	N/A	N/A	1000	[H] 2
E	DIAZINON	333415	0.17	0.17	N/A	-
<u>D</u>	<u>1,4-DIOXANE</u>	<u>123911</u>	<u>N/A</u>	<u>N/A</u>	<u>0.3</u>	<u>1</u>
D	FORMALDEHYDE	50000	440	2200	[700] 1000	[H] 2
D	2-HEXANONE	591786	4300	21000	N/A	-
D	LITHIUM	7439932	N/A	N/A	N/A	-
D	METHYL ETHYL KETONE	78933	32000	230000	[21000] 4000	[H] 2
D	METHYL ISOBUTYL KETONE	108101	5000	26000	N/A	-
D	METOLACHLOR	51218452	N/A	N/A	[69] 700	[H] 2
D	NONYLPHENOL	84852153	6.6	28	N/A	-
D	P-PHENOL SULFONIC ACID	98679	1400000	3500000	N/A	-
D	1-PROPANOL	71238	46000	230000	N/A	-
D	2-PROPANOL	67630	89000	440000	N/A	-
D	RESORCINOL	1084603	7200	28000	[2700] 3000	[H] 2
D	STRONTIUM	7440246	N/A	N/A	4000	[H] 2
D	1,2,3-TRICHLOROPROPANE	96184	N/A	N/A	[210] 30	[H] 2
D	1,2,4-TRIMETHYLBENZENE	95636	N/A	N/A	[72] 10	[H] 2
D	1,3,5-TRIMETHYLBENZENE	108678	N/A	N/A	[72] 10	[H] 2
D	VANADIUM	7440622	100	510	N/A	-
D	XYLENE	1330207	210	1100	[70000] 1000	[H] 2

Acronyms and [Footnotes] Notes to Table 5

¹ Indicates a human health criterion based on a cancer potency factor and cancer risk level at 1 x 10⁻⁶ (CRL); where no cancer potency factor exists the human health criterion is based on threshold toxicity data plus additional safety factors.

² Indicates a human health criterion based on threshold effect (H).

[*]³ Indicates dissolved [metal] aquatic life criterion; others are total recoverable [metals]. Each listed dissolved criterion in Table 5 is equal to the corresponding total recoverable criterion before rounding (from the EPA National Ambient Water Quality Criteria Documents) multiplied by the conversion factor (from the Conversion Factors Table); a criterion that is expressed as a hardness (H)-based equation is shown in Table 5 as the conversion factor (listed) multiplied by the hardness criterion equation; an example criterion at hardness=100mg/L is included.

⁴ Indicates duration for aquatic life criteria; CMC = instantaneous; CCC = 24 hour average.

[†]⁵ Indicates **human health** criterion is based on the exposure inputs of 2 liters per day of drinking water and consumption of 17.5 grams of fish per day, for protection of a 70 Kg person.

CAS—Chemical Abstract Service number

[CRL—Cancer risk level at 1×10^{-6}]

D—DEP developed criteria

E—EPA developed criteria

[H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln [H]] ln[H]—Natural Logarithm of the Hardness of stream as mg/l CaCO₃

[ug/L] ug/L—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

§ 93.8e. Special criteria for the Great Lakes System.

* * * * *

(b) *Water quality criteria for the Great Lakes System.* Human health and aquatic life criteria for the Great Lakes System are contained in Table 6 (relating to Great Lakes aquatic life and human health criteria). For any pollutant not listed in the table, criteria in Table 5 (**relating to water quality criteria for toxic substances**) may be used to protect existing and designated uses, or criteria will be developed by the Department, as needed, in accordance with this chapter and § 16.61 (relating to special provisions for the Great Lakes System).

(b.1) Unless a different duration is indicated by the Notes in Table 6, the aquatic life criteria in Table 6 have the following duration periods:

(1) One-hour average for criteria maximum concentrations.

(2) Four-day average for criteria continuous concentrations.

TABLE 6

GREAT LAKES AQUATIC LIFE AND HUMAN HEALTH CRITERIA

PP NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria [(ug/L)] (ug/L)	Notes
			Criteria Continuous [Concentrations (ug/L)] Concentration (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
2M	Arsenic	7440382	[*]148 (As3+)	[*]340 (As3+)	N/A	[-] 3
4M	Cadmium	7440439	[*](1.101672-(ln[H]x0.041838))x Exp(0.7852xln[H]-2.715) (ex: @H=100, CCC=2.24)	[*](1.136672-(ln[H]x0.041838))x Exp(1.128xln[H]-3.6867) (ex: @H=100, CMC=4.26)	N/A	[-] 3
5M	Chromium, III	16065831	[*]0.860xExp(0.819xln[H]+0.6848) (ex: @H=100, CCC=74)	[*]0.316xExp(0.819xln[H]+3.7256) (ex: @H=100, CMC=570)	N/A	[-] 3
5M	Chromium, VI	18540299	[*]10.56	[*]15.73	N/A	[-] 3
6M	Copper	7440508	[*]0.960xExp(0.8545xln[H]-1.702) (ex: @H=100, CCC=8.96)	[*](0.960xExp(0.9422xln[H]-1.700) (ex: @H=100, CMC=13.44)	N/A	3
8M	Mercury	7439976	[*]0.77	[*]1.44	0.0031	[H] 2,3

PP	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria	Notes
			Criteria Continuous [Concentrations (ug/L)] Concentration (ug/L)	Criteria Maximum Concentration [(ug/L)] (ug/L)		
9M	Nickel	7440020	[*]0.997xExp(0.846xln[H]+0.0584 (ex: @H=100, CCC=52.01)	[*]0.998xExp(0.846xln[H]+2.255) (ex: @H=100, CMC=468.24)	N/A	[H] 2,3
10M	Selenium	7782492	[*]4.61	N/A	N/A	[-] 3
13M	Zinc	7440666	[*]0.986xExp(0.8473xln[H]+0.884) (ex: @H=100, CCC=118.14)	[*]0.978xExp(0.8473xln[H]+0.884) (ex: @H=100, CMC=117.18)	N/A	3
14M	Cyanide, Free	57125	5.2	22	600	[H] 2
3A	2,4-Dimethyl-phenol	105679	N/A	N/A	450	[H] 2
5A	2,4-Dinitro-phenol	51285	N/A	N/A	55	[H] 2
9A	Pentachlorophenol	87865	Exp(1.005 pH -5.134) @pH= 6.5 7.8 9.0 Crit = 4.05 14.95 49.95	Exp (1.005 pH -4.869) @pH = 6.5 7.8 9.0 Crit = 5.28 19.49 65.10	N/A	-
3V	Benzene	71432	N/A	N/A	1.2	[CRL] 1
7V	Chloro-benzene	108907	N/A	N/A	470	[H] 2
22V	Methylene Chloride	75092	N/A	N/A	4.7	[CRL] 1
25V	Toluene	108883	N/A	N/A	5600	[H] 2
29V	Trichloro-ethylene	79016	N/A	N/A	2.9	[CRL] 1
33B	Hexachloro-benzene	118741	N/A	N/A	0.000045	[CRL] 1
36B	Hexachloro-ethane	67721	N/A	N/A	0.53	[CRL] 1
4P	gamma-BHC (Lindane)	58899	N/A	N/A	0.47	[H] 2
6P	Chlordane	57749	N/A	N/A	0.000025	[CRL] 1
7P	4,4-DDT	50293	N/A	N/A	0.000015	[CRL] 1
10P	Dieldrin	60571	0.056	0.24	0.0000065	[CRL] 1
14P	Endrin	72208	0.036	0.086	N/A	-
18P	PCBs		N/A	N/A	0.0000039	[CRL] 1
25P	Toxaphene	8001352	N/A	N/A	0.0000068	[CRL] 1
PP	2,3,7,8-TCDD	1746016	N/A	N/A	8.6 E-10	[CRL] 1
—	Parathion	56382	0.013	0.065	N/A	-

Acronyms and [Footnotes] Notes to Table 6

¹ Indicates a human health criterion based on a cancer potency factor and cancer risk level at 1×10^{-6} (CRL); where no cancer potency factor exists the human health criterion is based on threshold toxicity data plus additional safety factors.

² Indicates a human health criterion based on threshold effect (H).

[*]³ Indicates dissolved [metal] **aquatic life** criterion; others are total recoverable [metals]. Each listed dissolved criterion in Table 6 is equal to the corresponding total recoverable criterion before rounding (from the EPA National Ambient Water Quality Criteria Documents) multiplied by the conversion factor (from the Conversion Factors Table); a criterion that is expressed as a hardness (H)-based equation is shown in Table 6 as the conversion factor (listed) multiplied by the hardness criterion equation; an example criterion at hardness=100mg/L is included.

CAS—Chemical Abstract Service number

[CRL]—**Cancer risk level at 1×10^{-6}**

H—**Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.**

ln [H]] **ln[H]**—Natural Logarithm of the Hardness of stream as mg/l CaCO₃

[ug/L] **ug/L**—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

* * * * *

DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9. Designated water uses and water quality criteria.

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal laws and regulations. The tables also indicate specific exceptions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. **A one-hour average duration period applies to: the Tur₁ and Tur₂ criteria in § 93.9e (relating to Drainage List E); the dissolved oxygen criterion for the Yellow Breeches in § 93.9o (relating to Drainage List O); and the pH criterion in § 93.9x (relating to Drainage List X).** The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream or the downstream limit of the zone described for that entry is located. Abbreviations used in the Stream and the “Zone” columns are as follows:

* * * * *

[Pa.B. Doc. No. 23-1358. Filed for public inspection October 6, 2023, 9:00 a.m.]

STATEMENTS OF POLICY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Water Quality Toxics Management Strategy—Statement of Policy

The Department of Environmental Protection (Department) proposes to amend Chapter 16 (relating to water quality toxics management strategy—statement of policy) to read as set forth in Annex A.

A. *Effective Date*

The proposed amendments will be effective upon final form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

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

C. *Background and Summary*

The Commonwealth's water quality standards in Chapter 16 and Chapters 92a and 93 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance; and water quality standards) implement sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and section 303 of the Federal Clean Water Act (33 U.S.C. § 1313). Chapter 16 is a water quality toxics management strategy, establishing policy for regulating toxic pollutants in this Commonwealth's surface waters. It sets forth the guidelines for development and modification of water quality criteria for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the Department's toxic substances regulations in §§ 93.8a and 93.8c (relating to toxic substances; and human health and aquatic life criteria for toxic substances).

The proposed amendments will update Chapter 16 to be consistent with the amendments to Chapter 93, as related to the Commonwealth's triennial review of water quality standards.

D. *Summary of Amendments*

Proposed amendments to § 16.32 (relating to threshold level toxic effects) include other data sources approved by the United States Environmental Protection Agency (EPA) beyond the use of the EPA's Integrated Risk

Information System (IRIS) for risk assessment values. The EPA frequently publishes updated risk assessment information for toxic substances in health effects support documents, which are not referenced in or available through IRIS. Deletion of the language "referred through IRIS" enables the Department to utilize the latest scientific recommendations.

In § 16.41 (relating to changes and additions), the Department proposes to delete a reference to Appendix A, Table 1A. Amendments removing this table from Chapter 16 were published previously at 50 Pa.B. 3485 (July 11, 2020).

In Appendix A, Table 2A (relating to approved DEP analytical methods and detection limits), the Department proposes to delete the parameter and method for free cyanide to reflect the availability of EPA-approved analytical methods published under 40 CFR Part 136 (relating to guidelines establishing test procedures for the analysis of pollutants). Facilities with National Pollutant Discharge Elimination System (NPDES) permits are required to use EPA-approved analytical methods published under 40 CFR Part 136. Since the Department's analytical method in Table 2A is not EPA-approved and approved methods are now available, it is not needed.

E. *Public Comments*

Interested persons are invited to submit to the Department written comments regarding this proposed Statement of Policy. Comments must be received by the Department by November 21, 2023.

Comments, including comments submitted by e-mail, must include the originator's name and address. A subject heading of the proposal and return name and address must also be included in each transmission.

Comments may be submitted to the Department by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may also be submitted to the Department by e-mail at ecomment@pa.gov or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments submitted by facsimile will not be accepted.

F. *Public Hearings*

The Department will hold one virtual public hearing for the purpose of accepting comments on the proposed amendments to Chapter 16. The public hearing will take place on the same date when the Board will conduct a public hearing on the proposed amendments to Chapter 93. The hearing will begin at 1 p.m. on November 14, 2023.

Persons wishing to present testimony at the Chapter 16 hearing are requested to contact Michael (Josh) Lookenbill at (717) 787-9637 or mlookenbil@pa.gov, at least 1 week in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request.

Oral testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at each hearing. Witnesses may provide testimony by means of telephone or Internet connection. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to ecomment@pa.gov after providing testimony at the hearing.

Information on how to access the virtual public hearing will be available on the Board’s webpage found through the Public Participation tab on the Department’s web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board”). Prior to a hearing, individuals are encouraged to visit the Board’s webpage for the most current information for accessing the hearing.

Members of the public wishing to observe a virtual public hearing without providing testimony are also directed to access the Board’s webpage.

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) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RICHARD NEGRIN,
Secretary

(Editor’s Note: See 53 Pa.B. 6170 (October 7, 2023) for a proposed rulemaking relating to this proposed statement of policy.)

Fiscal Note: 7-582. No fiscal impact; recommends adoption.

Annex A

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

Subpart A. PRELIMINARY PROVISIONS

ARTICLE II. STATEMENTS OF POLICY

CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY—STATEMENT OF POLICY

Subchapter A. GUIDELINES FOR DEVELOPMENT OF CRITERIA FOR TOXIC SUBSTANCES AND WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

GUIDELINES FOR DEVELOPMENT OF HUMAN HEALTH-BASED CRITERIA

§ 16.32. Threshold level toxic effects.

* * * * *

(d) The sources the Department uses to obtain relevant risk assessment values for protection for threshold level toxic effects to human health are as follows:

(1) Verified reference doses, listed in the EPA agency-wide supported data system known as IRIS (Integrated Risk Information System) and other EPA approved data sources [**referred through IRIS**].

* * * * *

CRITERIA MODIFICATION

§ 16.41. Changes and additions.

The criteria in Chapter 93, Table 5 and site-specific criteria [**in Appendix A, Table 1A**] for toxic substances are based on the best scientific information currently available. These criteria may, however, be added to or modified if the Department determines upon evaluation of new scientific findings and information that a change is warranted. Submittal of data and information will be considered by the Department for this purpose. Site-specific criteria development will be performed in accordance with § 93.8d (relating to development of site-specific water quality criteria). Changes and additions to the tables will be published in the *Pennsylvania Bulletin*.

APPENDIX A

TABLE 2A

APPROVED DEP ANALYTICAL METHODS AND DETECTION LIMITS

<i>Parameter (CAS)</i>	<i>Method Number (Description) Source</i>	<i>Detection Limit (µg/l)</i>	
[* 14M]	CYANIDE, FREE (00057125)	—(DEP Free CN method, Auto) Not EPA approved	1]
—	BENZENE METADISULFONIC ACID (00098486)	OR 357A Test America, HPLC/UV or LC/MS/MS	50

<i>Parameter (CAS)</i>		<i>Method Number (Description) Source</i>	<i>Detection Limit ($\mu\text{g/l}$)</i>
—	BENZENE MONOSULFONIC ACID (00098113)	OR 357A Test America, HPLC/UV or LC/MS/MS	50
—	P-PHENOL SULFONIC ACID (00098679)	OR 357A Test America, HPLC/UV or LC/MS/MS	50

[* EPA currently measures “total cyanide” to satisfy cyanide limits and has not yet approved analytical methods for “free cyanide.” Free cyanide is a DEP required analysis, and either of the three listed are acceptable for its determination.]

[Pa.B. Doc. No. 23-1359. Filed for public inspection October 6, 2023, 9:00 a.m.]

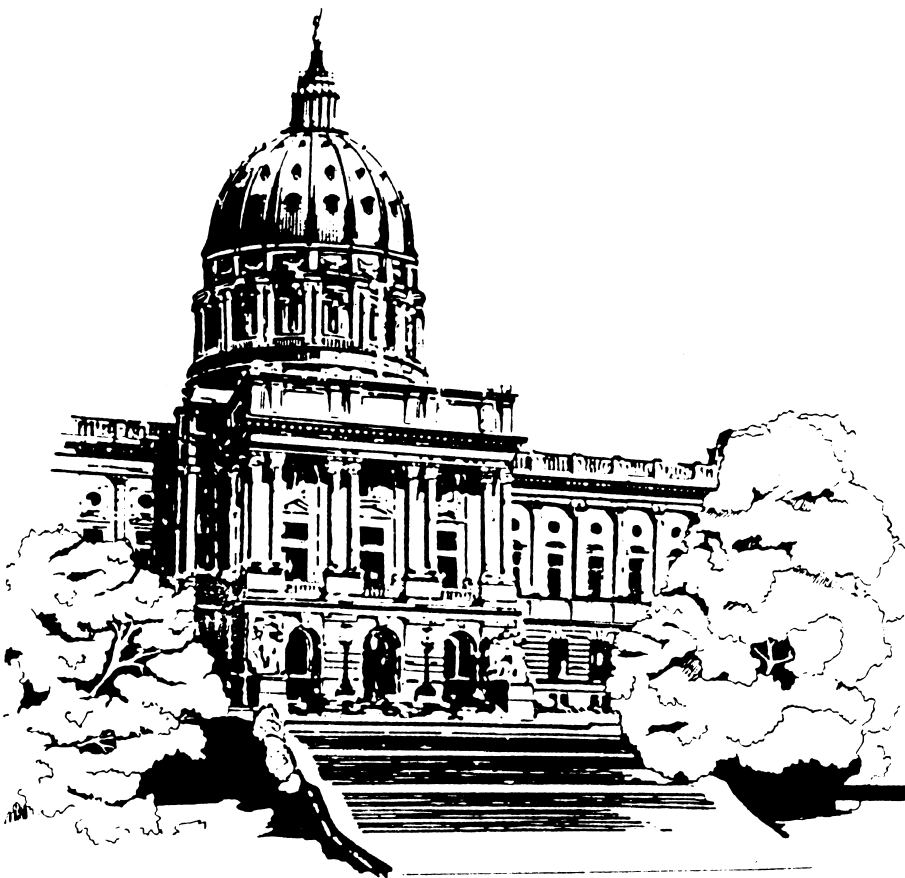
PENNSYLVANIA BULLETIN

Volume 53
Saturday, October 7, 2023 • Harrisburg, PA

Number 40

Part II

This part contains the
Notices



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending September 26, 2023.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmsnspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
09-20-2023	George E. Norcross, III Palm Beach Palm Beach County, FL	Approved
	Gregory B. Braca Palm Beach Palm Beach County, FL	
	Philip A. Norcross Palm Beach Palm Beach County, FL	
	Alessandra T. Norcross Palm Beach Palm Beach County, FL	
	Alexander S. Norcross Palm Beach Palm Beach County, FL	

Application for approval to solicit revocable proxies from more than 10% of the holders of the shares of common stock of Republic First Bancorp, Inc., Philadelphia, PA, and thereby indirectly acquire 10% or more of the voting control of Republic Bank, Philadelphia, PA.

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
09-18-2023	Mercer County State Bank Sandy Lake Mercer County	147 North Diamond Street Mercer Mercer County	Opened
09-22-2023	The Victory Bank Limerick Montgomery County	100 Gibraltar Road Horsham Montgomery County	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
09-22-2023	Luzerne Bank Luzerne Luzerne County	<i>To:</i> 910 Wilkes-Barre Township Boulevard Wilkes-Barre Luzerne County <i>From:</i> 67 Public Square Wilkes-Barre Luzerne County	Approved
09-22-2023	Elderton State Bank Elderton Armstrong County	<i>To:</i> 2014 River Road North Apollo Armstrong County <i>From:</i> 1906 River Road North Apollo Armstrong County	Approved

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Acting Secretary

[Pa.B. Doc. No. 23-1360. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Availability of the Draft 2024—2028 Consolidated Plan; Public Comment Period and 2nd Public Hearing

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2024—2028 Consolidated Plan (Plan). The Plan is designed to help states and local jurisdictions assess their affordable housing and community development needs and market conditions and to make data-driven, place-based investment decisions.

The consolidated planning process serves as the framework for a Statewide dialogue to identify housing and community development priorities that align and focus funding from the United States Department of Housing and Urban Development's (HUD) Community Planning and Development formula block grant programs:

- **CDBG:** Community Development Block Grant Program
- **HOME:** HOME Investment Partnerships Program
- **ESG:** Emergency Solutions Grant Program
- **HOPWA:** Housing Opportunities for Persons with AIDS Program
- **HTF:** National Housing Trust Fund

In addition, included with the 2024—2028 Plan is the 2024 Annual Action Plan, which includes the methods of distribution for all Federal programs. The 2024 funding allocations have not been published by HUD yet. The amounts listed are estimates based on the 2023 funding allocations.

Public Review and Comment

The draft Plan is available for public review on the Department's web site at <https://dced.pa.gov/housing-and-development/consolidated-plan-annual-plans-reports/>. The public comment period is open from October 7, 2023, to November 7, 2023.

Written Comments

Comments may be electronically submitted to the Department at dcedchdpubliccomments@pa.gov. Written comments should be submitted to David Grey, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by close of business, 4 p.m., November 7, 2023, to be included as testimony.

Second Public Hearing

The second public hearing for the Plan will be conducted electronically by means of Microsoft Teams on Wednesday, October 25, 2023, at 1 p.m. Those who wish to make comment or discuss policy may participate directly in-person or from their phone, personal computer or from a computer located at their public library.

Individuals or organizations may give testimony or comments during this meeting. Comments will be accepted about topics related to the needs of the Commonwealth in the following areas: community development; housing including special needs; homelessness; economic development; and any changes to the methods of distribution of the existing Federal programs.

Registration is not required and individuals may join the meeting in-person or directly on Microsoft Teams at https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWVkOTI1YzctZjRhMy00ZGY1LWFkOTMtM2Q5MDIxODIwYWEx%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%22ed73e8d-d048-425b-93cc-055ce4231b52%22%7d. The meeting ID is 291 724 637 611. The passcode is 8iZrtj

Individuals who wish to attend the meeting may join by phone at (267) 332-8737. The conference ID is 732 099 737#.

The hearing will be shortened if there is no one to testify or there is minimal response.

Individuals who have a disability or limited English proficiency and wish to participate in the public hearing

should contact David Grey, dgrey@pa.gov, (717) 214-5341 or TDD (717) 346-0308 at a minimum of 72 hours prior to the meeting to discuss how the Department can accommodate their needs.

Written Comments

Written testimony, instead of testimony provided during the public hearing, must be submitted by 4 p.m., November 7, 2023, for review for consideration. Comments must be submitted to David Grey, Department of Community and Economic Development, Center for Community and Housing Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, dcedchdpubliccomments@pa.gov.

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1361. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Intent to Apply for Funding; Pathways to Remove Obstacles to Housing

It is the intention of the Department of Community and Economic Development (Department) to apply for funding through the Pathways to Remove Obstacles to Housing (PRO Housing) notice of funding opportunity through the United States Department of Housing and Urban Development. The purpose of the funding program is to support communities who are actively taking steps to remove barriers to affordable housing. The application deadline is October 30, 2023, at 11:59 p.m.

As part of the application, the Department is required to have a 15-day public comment period, which will begin on Saturday, October 7, 2023, and end on Monday, October 23, 2023. A draft version of the application will be available on the Department's web site at <https://dced.pa.gov/housing-and-development/consolidated-plan-annual-plans-reports/>. The Department reserves the right to make minor edits to the application after posting it to the web site.

The public hearing will be held virtually on Thursday, October 12, 2023, at 2 p.m. The meeting may be accessed through a computer or mobile device at https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmVkYjlkNjYtNWRIYy00ZmE3LWFmNWetMjljOWNmYjI4MDAx%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%22ed73e8d-d048-425b-93cc-055ce4231b52%22%7d. The meeting ID is 249 074 718 455. The passcode is L7QRmi.

Individuals who wish to attend the hearing may join by phone at (267) 332-8737. The conference ID is 180 789 904#.

Public Comments

Individuals or organizations may provide written comments regarding this draft version of the PRO Housing application.

Individuals who have a disability or limited English proficiency, who wish to comment and require an auxiliary aid, service or other accommodation to participate, should contact David Grey, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 214-5341 or TDD (717) 346-0308 to discuss how the Department may best accommodate their needs.

Written comments will be accepted until 4 p.m. on October 23, 2023, and should be sent to David Grey, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, dcedchdpubliccomments@pa.gov.

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1362. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Recovery Housing Program Annual Performance Review; Availability for Public Comment

The Department of Community and Economic Development (Department) is required by "Notice of FY2020 Allocations, Waivers, and Alternative Requirements for the Pilot Recovery Housing Program" published at 85 FR 75361 (November 25, 2020) to annually report on the performance of the Commonwealth's Recovery Housing Program (Program). The annual report may be found on the Department's web site at <https://dced.pa.gov/library/?wpdmc2=capers-2019-2023/> or the Department of Drug and Alcohol Program's web site at <https://www.ddap.pa.gov/pages/default.aspx>.

Comments on the Programs' Annual Performance Report may be electronically submitted to David Grey, Chief of Compliance, Center for Community and Housing Development, Department of Community and Economic Development, dgrey@pa.gov. Comments will also be accepted by telephone by calling (717) 787-5327 or through written comments submitted to David Grey, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Comments must be received by 12 p.m. on October 30, 2023.

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1363. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0823801	Joint DEP/PFBC Pesticides Permit	New	Bridge Street Hill Rod & Gun Club P.O. Box 82 Towanda, PA 18848-0082	Towanda Township Bradford County	NCRO
0913870	Joint DEP/PFBC Pesticides Permit	Renewal	Levy Larry 2891 Sugan Road Solebury, PA 18963	Solebury Township Bucks County	SERO
0913924	Joint DEP/PFBC Pesticides Permit	Renewal	Brooks Edwin 144 Creek Road Chalfont, PA 18914-1525	New Britain Township Bucks County	SERO
0913965	Joint DEP/PFBC Pesticides Permit	Renewal	Gibson Gary 4 Round Hill Road Newtown, PA 18940-3110	Upper Makefield Township Bucks County	SERO
0913988	Joint DEP/PFBC Pesticides Permit	Renewal	Danese Richard 374 Thompson Mill Road New Hope, PA 18938-9219	Upper Makefield Township Bucks County	SERO
1513843	Joint DEP/PFBC Pesticides Permit	Renewal	West Goshen Township 1025 Paoli Pike West Chester, PA 19380-4641	West Goshen Township Chester County	SERO
2023811	Joint DEP/PFBC Pesticides Permit	New	Chris Bowes 21160 Erie Street Saegertown, PA 16433-5906	Sadsbury Township Crawford County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2123805	Joint DEP/PFBC Pesticides Permit	New	Miller Arlington R 440 Wildwood Road Carlisle, PA 17015-7730	Lower Frankford Township Cumberland County	SCRO
3623808	Joint DEP/PFBC Pesticides Permit	New	High Properties Assoc 1853 William Penn Way Lancaster, PA 17601-6713	East Hempfield Township Lancaster County	SCRO
5622800	Joint DEP/PFBC Pesticides Permit	Amendment	Hidden Valley Resort 1 Craighead Road Somerset, PA 15501	Jefferson Township Somerset County	SWRO
5814804	Joint DEP/PFBC Pesticides Permit	Amendment	Stoddard Tom 518 State Route 2045 Kingsley, PA 18826-7000	Lenox Township Susquehanna County	NERO
6423806	Joint DEP/PFBC Pesticides Permit	New	Ulinsky Mark 2924 Hancock Highway Equinunk, PA 18417-3089	Damascus Township Wayne County	NERO
PA0042269	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Amendment, Minor	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603-4007	Manor Township Lancaster County	SCRO
PA0080055	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Transfer	The York Water Co. 130 E Market Street York, PA 17401-1219	West Donegal Township Lancaster County	SCRO
3674401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	The York Water Co. 130 E Market Street York, PA 17401-1219	West Donegal Township Lancaster County	SCRO
NOEXSE216	No Exposure Certification	Renewal	Telex Metals LLC 105 Phyllis Avenue Croydon, PA 19021-7509	Bristol Township Bucks County	SERO
PAG032410	PAG-03 NPDES General Permit for Industrial Stormwater	New	Westlake Royal Bldg Products LLC 9741 Commerce Circle Kutztown, PA 19530-8579	Weisenberg Township Lehigh County	NERO
PAG035041	PAG-03 NPDES General Permit for Industrial Stormwater	New	First Quality Products Inc. 121 North Road McElhattan, PA 17748-9601	Wayne Township Clinton County	NCRO
PAG036197	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	VGP Holdings LLC 501 Railroad Street Rochester, PA 15074-1967	Rochester Township Beaver County	SWRO
PAG036542	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Yoder Vernie 225 Coke Oven Road Meyersdale, PA 15552-6527	Summit Township Somerset County	SWRO
PAG036565	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Wilson Forest Products Inc. 1216 Jefferson Road Jefferson, PA 15344-0269	Morgan Township Greene County	SWRO
PAG038305	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Franklin Investment Corp P.O. Box 671 Franklin, PA 16323-0671	Franklin City Venango County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038485	PAG-03 NPDES General Permit for Industrial Stormwater	New	Commodore Homes LLC 20898 Paint Boulevard Shippenville, PA 16254-4712	Paint Township Clarion County	NWRO
PAG038524	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	American Hard Chrome LLC 925 Industrial Street New Castle, PA 16102-1329	New Castle City Lawrence County	NWRO
PAG038578	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Joy Global Underground Mining LLC 610 Lucerne Road Homer City, PA 15748	Center Township Indiana County	NWRO
PAG132325	PAG-13 NPDES General Permit for MS4s	Renewal	Hallstead Borough 127 Franklin Hill Road Box 366 Hallstead, PA 18822-9403	Hallstead Borough Susquehanna County	NERO
PAG136287	PAG-13 NPDES General Permit for MS4s	Renewal	Clairton City Allegheny County 551 Ravensburg Boulevard Clairton, PA 15025-1243	Clairton City Allegheny County	SWRO
0223404	Sewer Extensions Individual WQM Permit	New	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
1023414	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Steigerwald Suzanne 1568 Garvin Road Cranberry Township, PA 16066-2210	Cranberry Township Butler County	NWRO
WQG0225301	WQG-02 WQM General Permit	New	North East Township Water & Sewer Authority 31 W Main Street North East, PA 16428-1135	North East Borough Erie 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

PA0228966, Sewage, SIC Code 4952, **Lake Bonin**, 1703 Bonin Road, Rome, PA 18837-7728. Facility Name: Lake Bonin. This existing facility is located in Orwell Township, **Bradford County**.

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

The receiving stream(s), Unnamed Tributary to Jerome Creek (CWF), is located in State Water Plan watershed 4-D 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 0.007 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.43	XXX	1.4
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

<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>	
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		
Ammonia-Nitrogen	XXX	XXX	XXX	25	XXX	50
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
E. Coli (No./100 ml)	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 570-327-3693.

The EPA Waiver is in effect.

Northeast Regional Office

PA0276596, Storm Water, SIC Code 4213, **Old Dominion Freight Line Inc.**, 500 Old Dominion Way, Thomasville, NC 27360-8923. Facility Name: Old Dominion Freight Line—Aln. This proposed facility is located in Bethlehem City, **Northampton 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), Unnamed Tributary to Monocacy Creek (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 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0

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

PA0039233, Sewage, SIC Code 4952, 6515, **Blair Enterprises, LLC**, 5639 Emlenton Clintonville Road, Emlenton, PA 16373-6813. Facility Name: Horse Creek Manor. This existing facility is located in Cranberry Township, **Venango County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage. This application also transfers ownership from Blaine Rhodes d/b/a Rhodes Country Court to the Blair Construction, LLC, and renames the facility from the Rhodes Country Court to the Horse Creek Manor.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.013 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>Annual Average</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	0.5	XXX	1.6

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Annual Average	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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
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	XXX	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30				Avg Qrtly		
May 1 - Oct 31	XXX	XXX	XXX	17.0	XXX	34
				Avg Qrtly		
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

PA0093378, Sewage, SIC Code 3264, 4952, **Assoc Ceramics & Tech Inc.**, 400 N Pike Road, Sarver, PA 16055-1109. Facility Name: Assoc Ceramics & Tech. This existing facility is located in Winfield 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(s), Unnamed Tributary to Sarver Run (HQ-TSF), is located in State Water Plan watershed 18-F 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 .004 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	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.15
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	6.3	XXX	12.5
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	2.1	XXX	4.2
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

PA0218103, Sewage, SIC Code 4952, **Worthington West Franklin Joint Municipal Authority**, 102 West Main Street, Worthington, PA 16262. Facility Name: Worthington West Franklin Joint Municipal Authority. This existing facility is located in West Franklin Township, **Armstrong 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 Buffalo Creek (HQ-TSF), is located in State Water Plan watershed 18-F 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 0.25 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	20.9	31.3	XXX	10.0	15.0	20
Total Suspended Solids	41.7	62.6	XXX	20.0	30.0	40
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
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	9.4	XXX	XXX	4.5	XXX	9
Nov 1 - Apr 30						
May 1 - Oct 31	3.1	XXX	XXX	1.5	XXX	3
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max	XXX	XXX
				Report		
				Daily Max		

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

PA0265462, Sewage, SIC Code 8800, **Martin Sanders**, 2858 Master Road, Emlenton, PA 16373-3424. Facility Name: Martin Sanders SRSTP. This existing facility is located in Richland Township, **Clarion 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 Turkey Run (HQ-CWF), is located in State Water Plan watershed 17-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265535, Sewage, SIC Code 4952, 8800, **Mary Peace**, 302 Scranton Hollow Road, Warren, PA 16365. Facility Name: Mary Peace SRSTP. This existing facility is located in Farmington Township, **Warren County**.

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

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

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265764, Sewage, SIC Code 8800, **Randy Boyles**, 567 Smalls Ferry Road, New Castle, PA 16102. Facility Name: Randy Boyles SRSTP. This existing facility is located in North Beaver Township, **Lawrence 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 Hickory Run (TSF), is located in State Water Plan watershed 20-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

PA0272604, Sewage, SIC Code 4952, 8811, **Paul Zentz**, 11558 Route 62, Tidioute, PA 16351-5505. Facility Name: Paul Zentz SRSTP. This existing facility is located in Limestone Township, **Warren County**.

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

The receiving stream(s), Allegheny River (WWF), is located in State Water Plan watershed 16-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
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

PA0295221, Sewage, SIC Code 8800, **Beth & Randy Knoll**, 1040 Townhall Road West, Erie, PA 16509-5020. Facility Name: Beth & Randy Knoll SRSTP. This proposed facility is located in Summit Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to LeBoeuf Creek, is located in State Water Plan watershed 16-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Interim 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 Quarterly</i>	<i>Maximum</i>	
Flow (MGD)	Report Avg Qrtly	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Final Limits.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0295329, Sewage, SIC Code 8800, **David & Heather Defazio**, 2506 Deer Run Trail, Erie, PA 16509-5676. Facility Name: David & Heather Defazio SRSTP. This proposed facility is located in Greene Township, **Erie County**.

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

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

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

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

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

PA0295353, Sewage, SIC Code 8800, **George Kusich**, 382 Fredonia Road, Greenville, PA 16125-9755. Facility Name: George Kusich SRSTP. This proposed facility is located at 360 Fredonia Road, Greenville, PA 16125 located in Hempfield Township, **Mercer 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 Mathay Run, is located in State Water Plan watershed 20-A 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 .0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0002372, Industrial, SIC Code 2999, **International Waxes Inc.**, 45 Route 446, Smethport, PA 16749-5413. Facility Name: International Waxes Plant. This existing facility is located in Keating Township, **McKean County**.

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

The receiving streams are Cole and Potato Creeks, located in State Water Plan watershed 16-C and are classified for Trout Stocking, Warm and Cold Water Fish, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.712 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F)	XXX	XXX	XXX	110	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .436 MGD.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F)	XXX	XXX	XXX	110	XXX	XXX
Total Organic Carbon (TOC)	XXX	XXX	XXX	XXX	5.0	10.0
Copper, Total	XXX	XXX	XXX	Report	XXX	XX

The proposed effluent limits for Outfall 101 are based on a design flow of .576 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	25.5	48.0	65.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	128.0	248.0	250.0
Total Suspended Solids	XXX	XXX	XXX	21.0	33.0	52.5
Oil and Grease	XXX	XXX	XXX	8.0	15.0	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	10.5	23.0	26.5
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Hexavalent Chromium	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater

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

PA0104426, Industrial, SIC Code 4941, **Corner Water Supply & Service Corp**, 113 Oakwood Lane, Shippenville, PA 16254-8614. Facility Name: Corner Water WTP. This existing facility is located in Elk Township, **Clarion County**.

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

The receiving stream(s), Paint Creek (CWF), is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0014 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	14.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	0.03	0.06	XXX	4.0	8.0	10
Iron, Total	0.02	0.04	XXX	2.0	4.0	5
Manganese, Total	0.01	0.02	XXX	1.0	2.0	2.5

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.

Southcentral Regional Office

PA0045004, Sewage, SIC Code 4952, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316-9220. Facility Name: Lake Meade STP. This existing facility is located in Reading Township, **Adams 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), Mud Run (WWF), is located in State Water Plan watershed 7-F 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 .35 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	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	29.0	43.0	XXX	10.0	15.0	20.0
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	29.0	43.0	XXX	10.0	15.0	20.0
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	4.3	XXX	XXX	1.5	XXX	3.0
May 1 - Oct 31						
Nov 1 - Apr 30	13.0	XXX	XXX	4.5	XXX	9.0
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Total Phosphorus	5.8	XXX	XXX	2.0	XXX	4.0
Copper, Total	0.06	XXX	XXX	0.022	0.035	XXX
					Daily Max	

The following specified limitations and monitoring requirements are proposed for the draft permit, to comply with Pennsylvania's Chesapeake Bay Tributary Strategy.

Parameter	Mass Units (lbs)		Effluent Limitations			
	Monthly	Annual	Monthly	Concentrations (mg/L) Monthly Average	Maximum	Instant. Maximum
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX

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

- TRE study, solids management for non-lagoon system, notification of designation of responsible operator, hauled-in waste restriction, and SBR batch discharge condition.

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

PA0080284, Sewage, SIC Code 6515, **New Oxford MHC LLC**, 524 Meadow Avenue Loop, Banner Elk, NC 28604. Facility Name: New Oxford Mobile Home Village. This existing facility is located in Mount Pleasant Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to South Branch Conewago Creek (WWF), is located in State Water Plan watershed 7-F 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 0.01885 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.027	XXX	0.089
CBOD ₅	XXX	XXX	XXX	10.0	XXX	20.0
May 1 - Oct 31						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	1.5	XXX	3.0
May 1 - Oct 31						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01885 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Quarterly</i>	<i>Annual</i>		<i>Quarterly Average</i>	<i>Maximum</i>	
Ammonia-Nitrogen	Report	Report	XXX	Report	XXX	XXX
Kjeldahl-N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX

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

- Solids management for non-lagoon system, chlorine minimization, dry stream discharge, notification of designation of responsible operator

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

PA0085006 A-1, Sewage, SIC Code 4952, **Conoy Township, Lancaster County**, 211 Falmouth Road, Bainbridge, PA 17502. Facility Name: Bainbridge STP. This existing facility is located in Conoy Township, **Lancaster County**.

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

The receiving stream, Conoy Creek (TSF, MF), is located in State Water Plan watershed 7-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .08 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	17	27	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	20	30	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .08 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0085022, Sewage, SIC Code 4952, **Conoy Township, Lancaster County**, 211 Falmouth Road, Bainbridge, PA 17502. Facility Name: Conoy Township Falmouth STP. This existing facility is located in Conoy Township, **Lancaster County**.

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

The receiving stream, Unnamed Tributary to Susquehanna River (WWF, MF), is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .025 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	5.2	8.3	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	6.3	9.4	XXX	30	45	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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	4.3	XXX	XXX	21	XXX	42
Nov 1 - Apr 30						
May 1 - Oct 31	1.4	XXX	XXX	7.0	XXX	21
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0266792, Sewage, SIC Code 8811, **Alexandra Creany and Richard Davis**, 179 Atlas Drive, Hollidaysburg, PA 16648. Facility Name: Creany & Davis Residence. This existing facility is located in Frankstown Township, **Blair 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 of Frankstown Branch Juniata River (WWF, MF), is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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 ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

PA0293971, Sewage, SIC Code 8811, **George Harbaugh**, 564 Maple Lane, East Freedom, PA 16637-8822. Facility Name: George Harbaugh Properties. This proposed facility is located in Greenfield Township, **Blair County**.

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

The receiving stream(s), Unnamed Tributary to Frankstown Branch Juniata River (WWF, MF), is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .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 ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0294187, Sewage, SIC Code 8811, **Justin K. Vreeland**, 7024 Willow Brook Road, Alexandria, PA 16611-2014. Facility Name: Vreeland Property. This proposed facility is located in Logan Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary of Shaver Creek (HQ-CWF, MF), is located in State Water Plan watershed 11-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 0.0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0244384, Sewage, SIC Code 8811, **Stephanie Huntzinger**, 3947 Geryville Pike, Pennsburg, PA 18073-2618. Facility Name: Huntzinger SRSTP. This existing facility is located in Marlborough Township, **Montgomery 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), Unnamed Tributary to Macoby Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0009 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	23.0	XXX	46

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

- AMR to DEP
- DMR to DEP
- Depth of Septage
- Septic Tanks
- No Stormwater
- Acquiring all Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Sewers Available
- UV Cleaning

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0050644, Industrial, SIC Code 4941, **Borough of East Greenville**, 206 Main Street, East Greenville, PA 18041-1405. Facility Name: East Greenville Water Filtration Plant. This existing facility is located in East Greenville Borough, **Montgomery County**.

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

The receiving stream(s), Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD. Filter backwash Limits:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5

Sedimentation basin cleaning effluent Limits:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Turbidity (NTU)	XXX	XXX	XXX	100	XXX	100

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

- Submission of an updated PPC plan
- Sedimentation basin cleaning condition

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0002879, Industrial, SIC Code 3312, **Union Electric Steel Corporation**, P.O. Box 465, Carnegie, PA 15106-0465. Facility Name: Harmon Creek Plant. This existing facility is located in Smith Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Burgetts Fork (WWF), is located in State Water Plan watershed 20-D 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 002 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 (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	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
Copper, Total	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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Lead, 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	0.75	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	2.0	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
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	0.75	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	2.0	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
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, 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.

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

Northeast Regional Office

Applicant: **Coolbaugh Township Volunteer Fire Company**

Applicant Address: 652 Laurel Drive, Tobyhanna, PA 18466

Application Number: **PAD450185**

Application Type: New

Municipality/County: Coolbaugh Township, **Monroe County**.

Project Site Name: Coolbaugh Township Firehouse

Total Earth Disturbance Area (acres): 5.34 acres

Surface Waters Receiving Stormwater Discharges: Wetlands to Red Run (HQ-CWF, MF)

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

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

Project Description: Construction of new firehouse, including parking, utility services and 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.

Northeast Regional Office

Applicant: **Kathleen McCarthy Lambert**

Applicant Address: 340 Kidder Street, Wilkes-Barre, PA 18702

Application Number: **PAD400071**

Application Type: New

Municipality/County: Jackson Township, **Luzerne County**

Project Site Name: McCarthy Subdivision

Total Earth Disturbance Area (acres): 9.98 acres

Surface Waters Receiving Stormwater Discharges: Huntsville Creek, (CWF, MF, 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: Seven lot subdivision; including houses, driveways and roadway construction, associated stormwater facilities and utilities.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **Rice Township**

Applicant Address: 3000 Church Road, Mountain Top, PA 18707

Application Number: **PAD400067**

Application Type: New

Municipality/County: Rice Township, **Luzerne County**

Project Site Name: Rice Township Park Multipurpose Field

Total Earth Disturbance Area (acres): 5.83 acres

Surface Waters Receiving Stormwater Discharges: 1. Little Wapwallopen Creek (CWF, MF); 2. Exceptional Value 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: The project site currently shares uses with the local park, municipal buildings, and municipal maintenance yard. This project includes the construction of a grass multipurpose field, a park trail, renovated parking area, and stormwater management controls.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Northeast Regional Office

Applicant: **Mid-Atlantic Interstate Transmission, LLC (A FirstEnergy Company)**

Applicant Address: 1500 Pennsylvania Avenue West, Warren, PA 16365-9473

Application Number: **PAD580012**

Application Type: New

Municipality/County: Silver Lake Township, **Susquehanna County**

Project Site Name: LG2 Goudy-Tiffany 115 kV Transmission Line Switch Replacement Project

Total Earth Disturbance Area (acres): 3.25 acres

Surface Waters Receiving Stormwater Discharges: UNT to McCormick Run, (EV-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: To replace two existing electric transmission switch structures, the replacement of two structures, and the installation of one H-frame electric transmission structure along 0.38 mile of existing right of way.

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: **Philadelphia Energy Solutions Refining and Marketing LLC**

Applicant Address: 3144 W Passyunk Avenue, Philadelphia, PA 19145-5208

Application Number: **PAD510229**

Application Type: New

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: The Bellwether District—Life Sciences Campus: Site Preparation

Total Earth Disturbance Area (acres): 230 acres

Surface Waters Receiving Stormwater Discharges: Schuylkill 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 project proposes the redevelopment of a portion of the former Philadelphia Energy Solutions site located north of Passyunk Avenue. This application is for site preparation of the overall project in support of future development. Future applications will be submitted for the proposed site development. This application does not propose modifications to existing permits.

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: **PPL Electric Utilities Corporation**

Applicant Address: 1639 Church Street, Allentown, PA 18104

Application Number: **PAD360110**

Application Type: New

Municipality/County: East Donegal Township, **Lancaster County**

Project Site Name: WHEM-HUMM Rebuild Project

Total Earth Disturbance Area (acres): 36.6 acres

Surface Waters Receiving Stormwater Discharges: Tributary to Susquehanna River (WWF, MF), Susquehanna River (WWF, MF), Tributary to Donegal Creek (CWF, MF), Donegal Creek (TSF, MF)

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

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

Project Description: PPL Electric Utilities is proposing to rebuild an approximate 4.97-mile long section of the West Hempfield to Hummelstown existing transmission line that extends from the Donegal Substation to the Marietta Substation. The work will include the replacement of existing wood or steel poles to new steel monopoles.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

Northeast Regional Office

Applicant: **River Pointe Logistics Center, LLC, c/o Louis Pektor III**

Applicant Address: 559 Main Street, Suite 300, Bethlehem, PA 18018-5862

Application Number: **PAD480178**

Application Type: New

Municipality/County: Upper Mount Bethel Township, **Northampton County**

Project Site Name: River Pointe Logistics Center

Total Earth Disturbance Area (acres): 285.75 acres

Surface Waters Receiving Stormwater Discharges: UNT to Delaware River (CWF, MF); UNT to Allegheny Creek (CWF, MF); Other wetlands & 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: Phase I of the project proposes the construction of roadway infrastructure, stormwater facilities, and three (3) industrial buildings as depicted on the Plans, with projected future buildings to be designed and permitted in subsequent phases.

Special Conditions: Potential Impacts to EV Wetlands.

1. The permittee shall monitor water table elevations daily at each monitoring well identified in the approved PCSM Plan for EV wetlands for a minimum of five years. Reports providing water table elevations shall be submitted to DEP every six months, beginning in (October of the 2nd year of coverage). These reports shall be submitted by October 31st and April 30th each year. All monitoring wells should confirm the presence of a water table no deeper than 12-inches below the ground surface for a period of at least 14 consecutive days during the growing season (April 1—October 1 annually) at a minimum frequency of 3 of the 5 monitoring years, unless a longer timeframe for monitoring is extended by DEP in writing. If a water table is not observed at the previously stated depth and/or for a duration of at least 14 consecutive days in 3 of 5 monitoring years (or in accordance with an alternate monitoring timeframe approved by DEP in writing), the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates otherwise and DEP concurs that the project did not adversely impact the wetland.

2. The permittee shall provide DEP with a running comparison of monitoring data for pre-construction and post-construction monitoring every six months, beginning in (October of the 3rd year after the date of coverage). These monitoring data reports shall be submitted by October 31st and April 30th each year. If the ground water table elevation is found to be lower in post-construction monitoring for the same time period, the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates the cause is unrelated to the project and DEP concurs that the project did not adversely impact the wetland.

3. The permittee shall delineate the boundaries of the EV wetlands in the years (5 years from date of coverage) and (7 years from the date of coverage) using the Army Corps of Engineers' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). These wetland delineations shall be submitted to DEP on or before April 30th in the 5th year of permit coverage and on or before the permit expiration or termination date of this permit or the 7th year of permit coverage whichever is sooner, unless an alternate timeframe for submission of these delineations is approved by DEP in writing. Boundaries shall be surveyed and compared to the boundaries outlined on the approved plans. The data shall be submitted to DEP on or before April 30th of each year, beginning in (October of the 3rd year after the date of coverage). If a reduction in size of the wetland of greater than 0.05 acre is observed, the wetland will be considered adversely impacted by the project, unless a clear and unrelated cause of the reduction in size is demonstrated and DEP concurs that the project did not adversely impact the wetland.

4. The permittee shall provide reports identifying plant species in the EV wetlands during the growing season once a year for five years beginning in (April of the 3rd year after the date of coverage). Any observed reduction in the number of different species having a wetland indicator status of (identify indicator status appropriate for the wetland in question) shall be clearly identified in the report. If a reduction is observed, the wetland will be considered adversely impacted by the project unless another clear cause of the reduction in diversity is identified and DEP concurs that the project did not adversely impact the wetland.

5. The permittee shall inspect monitoring wells, including water level loggers, at least monthly to ensure that they are not damaged and are functioning properly. If a damaged or malfunctioning well is identified, DEP shall be contacted immediately in writing, and the well shall be restored to its design specifications within two weeks, unless weather conditions do not permit and/or is otherwise extended in writing by DEP.

6. In the event that the water table falls below the bottom of a monitoring well and the water level logger in that well becomes inoperable, the well shall be inspected at a minimum of once every two weeks and the data logger shall be re-installed once the water table is again observed in the well.

7. DEP may require the monitoring period to be extended to confirm or disprove potential adverse impacts to EV wetlands. DEP will review the monitoring information submitted by the permittee and if DEP determines that the EV wetlands have been adversely impacted, the permittee shall submit to DEP for review and approval a narrative identifying the cause(s) of the impact and plans to correct it within 3 months after DEP has determined that the wetlands have been adversely impacted. If the cause(s) cannot be identified or if correction of the impact is deemed infeasible, the permittee shall submit to DEP for review and approval plans and a schedule to create (identify required

mitigation area) acres of (identify the wetland mitigation required) wetlands in or along the floodplain of (identify the receiving stream) or one of its tributaries within 6 months of DEP's determination of an adverse impact, unless an alternate location for wetland creation is approved and/or this deadline is extended in writing by DEP. Construction of the replacement wetlands shall begin no later than one year after DEP's determination of an adverse impact, unless an alternate deadline is established in writing by DEP.

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

Southcentral Regional Office

Applicant: **Infrastructure and Energy Alternatives, Inc.**

Applicant Address: 6325 Digital Way, Suite 460, Indianapolis, IN 46278-1679

Application Number: **PAD280019**

Application Type: New

Municipality/County: Fannett Township, **Franklin County**

Project Site Name: Aspen Solar Project

Total Earth Disturbance Area (acres): 755.88 acres

Surface Waters Receiving Stormwater Discharges: Dry Run and UNT to Dry Run (both 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: Effluent limitations and rate or frequency of the discharges: Upon issuance of the permit, compliance is required with the narrative based effluent limitations as identified in the Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan and in accordance with 25 Pa. Code Chapter 102. Rate of discharges as identified in the application and in accordance with 25 Pa. Code Chapter 102. The Department of Environmental Protection (DEP) has made a tentative determination to issue an Individual NPDES Permit to the previously named applicant. Interested persons may submit written comments to DEP at the previously listed address or e-mail address for DEP's consideration in taking a final action on the permit application. Written comments for this application and draft permit will be accepted through November 7, 2023.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **T.A. Leiphart Masonry, Inc.**

Applicant Address: 601 West Maple Street, Red Lion, PA 17356

Application Number: **PAD670083**

Application Type: New

Municipality/County: Red Lion Borough, **York County**

Project Site Name: 601 West Maple Street

Total Earth Disturbance Area (acres): 2.79 acres

Surface Waters Receiving Stormwater Discharges: UNT to Mill Creek (WWF, MF) via EV Wetlands

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

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

Project Description: Effluent limitations and rate or frequency of the discharges: Upon issuance of the permit, compliance is required with the narrative based effluent limitations as identified in the Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan and in accordance with 25 Pa. Code Chapter 102. Rate of discharges as identified in the application and in accordance with 25 Pa. Code Chapter 102. The Department of Environmental Protection (DEP) has made a tentative determination to issue an Individual NPDES Permit to the previously named applicant. Interested persons may submit written comments to DEP at the previously listed address or e-mail address for DEP's consideration in taking a final action on the permit application. Written comments for this application and draft permit will be accepted through November 7, 2023.

Special Conditions: Wetland Monitoring

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

*Southwest Regional Office*Applicant: **PennDOT District 12-0**

Applicant Address: 825 N Gallatin Avenue, Uniontown, PA 15401

Application Number: **PAD650041**

Application Type: New

Municipality/County: Bell Township, **Westmoreland County**

Project Site Name: SR 1060 Salina Bridge

Total Earth Disturbance Area (acres): 8.02 acres

Surface Waters Receiving Stormwater Discharges: Kiskiminetas River (WWF)

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

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

Project Description: The SR 1060 Salina Bridge Replacement project involves the replacement of the Salina Bridge over the Kiskiminetas (Kiski) River and the Norfolk Southern Railroad. The Salina Bridge links Kiskiminetas Township (and the community of Edmon), Armstrong County and Bell Township (and the community of Salina), Westmoreland County.

Special Conditions:

1. Earth disturbance shall not commence until a Remediation Plan including a Soil Management Plan (SMP) has been submitted to the Department and written acknowledgement has been received regarding the acceptability of that SMP.

2. All limitations, conditions, procedures, testing, and monitoring which is in any remediation plan and site characterization including the Soil Management Plan (SMP) provided with the final application associated with this permit are to be followed and implemented. The SMP shall be submitted to the Department and written authorization/proof of review from the Department shall be obtained prior to commencement of earth disturbance. No deviation from the reviewed SMP is permitted without written authorization from DEP.

a. If contaminants or conditions with the potential to cause pollution are found during construction which are beyond the scope of the SMP or Remediation Plan, DEP and the County Conservation District shall be notified and measures shall be immediately implemented to contain potential pollution sources upon discovery.

b. Any contaminated material to be transported and disposed of off-site including but not limited to pumped groundwater may require permitting with DEP's Waste Management or Clean Water Programs. These permits should be anticipated and shall be secured prior to earth disturbance.

c. Disposal of any contaminated material shall be coordinated with DEP's Waste Management (WM) program. WM shall be contacted prior to utilizing any site for disposal.

3. Any authorizations/acknowledgments from the Department, including, but not limited to, groundwater discharge shall be obtained and active prior to conducting earth disturbance. All conditions imposed by any authorization/acknowledgment shall be followed. Any authorizations/acknowledgments from the Department shall be maintained as active during construction.

4. This permit does not authorize any obstructions or encroachments to any regulated watercourse or floodway. All permitting required for impacts to regulated watercourses or their floodway are subject to 25 Pa. Code Chapter 105. Appropriate authorization for impacts which require permitting under Chapter 105 must be obtained prior to beginning earth disturbance.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

*Southcentral Regional Office*Applicant: **Stephen Beiler**

Applicant Address: 822 Hilldale Road, Holtwood, PA 17532

Application Number: **PAD70088**

Application Type: New

Municipality/County: Chanceford Township, **York County**

Project Site Name: Proposed Dairy (Stephen Beiler)

Total Earth Disturbance Area (acres): 4.02 acres

Surface Waters Receiving Stormwater Discharges: UNT to Otter Creek (CWF, MF) and UNT to Otter Creek (CWF, MF) via EV Wetlands

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

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

Project Description: Effluent limitations and rate or frequency of the discharges: Upon issuance of the permit, compliance is required with the narrative based effluent limitations as identified in the Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan and in accordance with 25 Pa. Code Chapter 102. Rate of discharges as identified in the application and in accordance with 25 Pa. Code Chapter 102. The Department of Environmental Protection (DEP) has made a tentative determination to issue an Individual NPDES Permit to the previously named applicant. Interested persons may submit written comments to DEP at the previously listed address or e-mail address for DEP's consideration in taking a final action on the permit application. Written comments for this application and draft permit will be accepted through November 7, 2023.

Special Conditions: N/A

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

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Howard Reyburn 1021 Limestone Road Oxford, PA 19363	Chester County	152.4	716.05	Swine	NA	Renewal
M & E Farm 710 Pfoutz Valley Road Millerstown, PA 17062	Perry County	0	822.74	Swine	NA	Renewal
Kim Schlappich 1345 Main Street Mohrsville, PA 19541	Berks County	9.2	89.19	Poultry/ Ducks	NA	Renewal
Ridge View Farms 189 Ridge View Road South Elizabethtown, PA 17022	Lancaster County	400.8	1,971.97	Dairy/ Swine	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).

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.

Application No. 6423501, Construction, Public Water Supply.

Applicant	Alpine Wurst & Meathouse
Address	1106 Texas Palmyra Highway Honesdale, PA 18431
Municipality	Texas Township
County	Wayne County
Responsible Official	Mark Eifert 1106 Texas Palmyra Highway Honesdale, PA 18431
Consulting Engineer	Irina O. Hott P.E. JHA Companies 466 South Main Street Montrose, PA 18801
Application Received	April 13, 2023
Description	The applicant proposes to construct a new well accompanied by a filtration system.

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

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

Application No. 7380432, NCWSA Construction, Public Water Supply.

Applicant	AROD Entities, LLC
Address	1720 Mineral Spring Rd Reading, PA 19602
Municipality	Jackson Township
County	Lebanon County

Responsible Official	Mark J. Zlocki, Esq. 1720 Mineral Springs Rd Reading, PA 19602
Consulting Engineer	Suburban Water Technology, Inc. 1697 Swamp Pike Gilbertsville, PA 19525
Application Received	July 31, 2023
Description	This application is for a new Transient Noncommunity Water System located at 291 West Lincoln Ave, Myerstown, PA 17067. The proposed system includes a new groundwater well, pressure tank, cartridge filter, water softener, and ultraviolet light disinfection.

Contact: Darin Horst, Environmental Engineer, 717-705-4708.

Application No. 3623534, Construction, Public Water Supply.

Applicant	Rosies Property Management LLC
Address	1027 Lancaster Pike Quarryville, PA 17566
Municipality	East Drumore Township
County	Lancaster County
Responsible Official	Guney Ilgaz 1027 Lancaster Pike Quarryville, PA 17566
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Application Received	July 25, 2023
Description	Addition of an acid neutralizer, cartridge filters, softener, and nitrate treatment.

Application No. 3623535, Construction, Public Water Supply.

Applicant	Omas Family Campground
Address	2085 Kirkwood Pike Kirkwood, PA 17536
Municipality	Colerain Township
County	Lancaster County
Responsible Official	Charles Evans 825 Sparrow Lane Bear, DE 19701
Consulting Engineer	Evans Mill Environmental, LLC 101 Fellowship Road Uwchland, PA 19480
Application Received	August 3, 2023
Description	Installation of corrosion control and chlorine disinfection.

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Application No. 2123512, Construction, Public Water Supply.

Applicant	Wesley Hospitality LLC
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Address 650 Gettysburg Road
Mechanicsburg, PA 17055

Municipality Upper Allen Township

County **Cumberland County**

Responsible Official Sagar Patel
650 Gettysburg Road
Mechanicsburg, PA 17055

Consulting Engineer Charles A. Kehew, II, P.E.
18 South George Street
Suite 300
York, PA 17401

Application Received September 14, 2023

Description This application for a construction permit seeks to upgrade the 4-Log treatment process for the system.

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

Application No. 4423504, Construction, Public Water Supply.

Applicant **Berube's Crystal Clear Water, LLC**

Address 819 Electric Avenue
Lewistown, PA 17044

Municipality Granville Township

County **Mifflin County**

Responsible Official Jeannine Leister
819 Electric Avenue
Lewistown, PA 17044

Consulting Engineer Shamenek Engineering, LLC
10 Kacey Ct
Suite 2
Mechanicsburg, PA 17055

Application Received July 13, 2023

Description The permittee is proposing vending water units, reverse osmosis, carbon filtration, and ultraviolet (UV) disinfection using the Mifflin County Municipal Authority water source.

Application No. 6723516, Construction, Public Water Supply.

Applicant **Mount Zion Evangelical Church**

Address 863 Lewisberry Road
Lewisberry, PA 17339

Municipality Lewisberry Borough
Fairview Township

County **York County**

Responsible Official Terry Page
863 Lewisberry Road
Lewisberry, PA 17339

Consulting Engineer RHS Engineering, Inc.
2909 Conococheague Lane
Greencastle, PA 17225

Application Received July 21, 2023

Description Modification to the treatment system, including the installation of nitrate treatment.

Application No. 6723517, Construction, Public Water Supply.

Applicant **The York Water Company**

Address 130 East Market Street
York, PA 17401

Municipality Washington Township

County **York County**

Responsible Official Andrew Prosser, P.E.
130 East Market Street
York, PA 17401-1219

Application Received July 26, 2023

Description Application to install arsenic treatment in the Country View Manor community water system.

Application No. 6723519, Construction, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Address 852 Wesley Drive
Mechanicsburg, PA 17055

Municipality Fairview Township

County **York County**

Responsible Official Bruce Aiton
852 Wesley Drive
Mechanicsburg, PA 17055

Application Received August 4, 2023

Description Application for construction to replace two existing feed pumps and to introduce a new coagulant aid to the system.

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

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

Application No. 0923516, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. Chalfont**

Address 762 W. Lancaster, Inc.
Bryn Mawr, PA 19010-3402

Municipality Chalfant Borough
Bryn Mawr

County **Bucks County**

Responsible Official Michael Filli
762 W. Lancaster, Inc.
Bryn Mawr, PA 19010-3402

Consulting Engineer Mott McDonald
111 Wood Avenue
South Iselin, NJ 08830-4112

Application Received September 25, 2023

Description Addition of a GAC filter system and replacing the existing 36" chlorine contact pipe with a new 60" contact pipe.

Application No. 0923515, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. Edgely**
 Address 762 W. Lancaster, Inc.
 Bryn Mawr, PA 19010-3402
 Municipality Bristol Township
 Bryn Mawr
 County **Bucks County**
 Responsible Official Eric J. Damon
 762 W. Lancaster, Inc.
 Bryn Mawr, PA 19010-3402
 Consulting Engineer Mott McDonald
 762 W. Lancaster, Inc.
 Iselin, NJ 08830-4112
 Application Received September 25, 2023
 Description The projects involve the additional of an AIX resin filter system at the Edgely Water Treatment Plant for the removal of PFAS.

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

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

Application No. 0223525, Construction, Public Water Supply.

Applicant **Wilkesburg-Penn Joint Water Authority**
 Address 2200 Robinson Boulevard
 Pittsburgh, PA 15221
 Municipality East McKeesport Borough
 County **Allegheny County**
 Responsible Official Doug Komandt
 Executive Director
 2200 Robinson Boulevard
 Pittsburgh, PA 15221
 Consulting Engineer MS Consultants, Inc.
 300 Corporate Center Drive
 Moon Township, PA 15108
 Application Received September 11, 2023
 Description Replacement of East McKeesport Tank and addition of chemical storage building and tanks at the Nadine Pump Station.

Application No. 1123513, Construction, Public Water Supply.

Applicant **Ebensburg Municipal Authority**
 Address 300 West High Street
 Ebensburg, PA 15931
 Municipality Ebensburg Borough
 County **Cambria County**
 Responsible Official Gerald McMullen
 300 West High Street
 Ebensburg, PA 15931

Consulting Engineer Stiffler, McGraw, & Associates, Inc.
 1731 North Juniata Street
 Hollidaysburg, PA 16648
 Application Received September 13, 2023
 Description Addition of a THM removal system and a replacement chlorine chemical feed station to the existing Ogden Tank site and improvements to the existing Water Treatment Plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Ward 4HC on the Ward BRA Pad, Primary Facility ID # **863166**, 1696 Peters Road, Troy, PA 16947, West Burlington Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. The NIR concerns remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the residential Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Review* on August 17, 2023. Application received: August 31, 2023.

R C Bowman Diesel Fuel Cleanup, Primary Facility ID # **860293**, Interstate 80 WB at MM 181.2, Mill Hall, PA 17751, Lamar Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889 on behalf of R C Bowman, Inc., 7436 Nittany Valley Drive, Mill Hall, PA 17751, submitted a Notice of Intent to Remediate. The NIR concerns remediation of site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The Notice of Intent to Remediate was published in *The Daily Item* on August 22, 2023. Application received: September 1, 2023.

Floydie BRA 22HC on the Floydie BRA Well Pad, Primary Facility ID # **864208 & 865313**, 896 Peet Hill Road, Laceyville, PA 118823, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. The NIR concerns remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Review* on September 1, 2023. Application received: September 7, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

316 Dorys Road, Primary Facility ID # **850933**, 316 Dorys Road, Dingmans Ferry, PA 18328, Porter Township, **Pike County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431 on behalf of Robert Takacs, 1170 West Main Street, Stroudsburg, PA 18360, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with heating oil from an underground storage tank. The Notice of Intent to Remediate was published in *The Pike County Dispatch* on September 14, 2023. Application received: September 21, 2023.

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

Contact: Chris, 724-598-2206.

Fuchs Site, Primary Facility ID # **869477**, 105 Eighth St, Emlenton, PA 16373, Emlenton Borough, **Venango County**. Moody and Associates, Inc., 11548 Cotton Rd, Meadville, PA 16335 on behalf of Oil Region Alliance of Business, Industry and Tourism, 217 Elm St, Oil City, PA 16301, submitted a Notice of Intent to Remediate. The site includes tax parcels 09,004.-045.-000, 09,004.-054A.-000, 09,004.-054B.-000 and 09,004.-055.-000. The site has historically been used as a spoke manufacturing facility, wool and flannel manufacturing facility, an oil company, and possibly as an oil tank manufacturing facility and as an adhesives manufacturing facility. The site was most recently utilized as a graphite-based lubricants manufacturing facility. The site is currently unutilized, but remnants of the graphite-based lubricants manufacturing along with vacant buildings remain on the Site. As a result of these historical activities, contamination at the site was suspected. Sampling at the site confirmed the presence of metals and VOCs above regulatory standards. SVOCs were also suspected to be present at the site. The date of release is unknown. The intended future use of the property could include residential and nonresidential uses. The Notice of Intent to Remediate was published in *The Progress News* on September 5, 2023. Application received: September 19, 2023.

Contact: Nick, 814-332-6978.

Kraft Dahlstrom Site, Primary Facility ID # **869478**, 58 Spruce St, Oil City, PA 16301, City of Oil City, **Venango County**. Moody and Associates, Inc., 11548 Cotton Rd, Meadville, PA 16335 on behalf of Oil Region Alliance of Business, Industry and Tourism, 217 Elm St, Oil City, PA 16301, submitted a Notice of Intent to Remediate. The site includes tax parcels 16,034.-140.-000, 16,034.-149.-000, 16,034.-154.-000, 16,034.-155.-000, 16,034.-161.-000 and 16,034.-164.-000. The site has historically been used for railroad operations, lumber supplies, concrete block manufacturing, cigar manufacturing, dry cleaning, and as a scrap yard. The site is currently unutilized, but remnants of the scrap yard operations along with vacant buildings remain on the subject site. First development of the site is unknown but appears developed on Sanborn Fire Insurance Maps as early as 1886. As a result of these historical activities, contamination of VOCs, SVOCs and metals at the site is suspected. The date of release is unknown. The intended future use of the property could include residential and nonresidential uses. The Notice of Intent to Remediate was published in *The Derrick* and *The News-Herald* on September 8, 2023. Application received: September 19, 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.

Norfolk Southern Railway Co.—Harrisburg, PA Fueling Station, Primary Facility ID # **749114**, 3322 Industrial Road, Harrisburg, PA 17110, City of Harrisburg, **Dauphin County**. Arcadis U.S., Inc., 111-D Sanders Lane, Bluefield, VA 24605 on behalf of Norfolk Southern Railway Co., 650 West Peachtree Street NW, Atlanta, GA 30308, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil & ground-

water contaminated with Diesel Fuel. The site will be remediated to the Statewide health and site-specific standards. Future use of the site will continue to be a fuel pumping station and will remain nonresidential. The Notice of Intent to Remediate was published in *The Patriot News* on August 17, 2023. Application received: August 22, 2023.

Former Wolfe Dye & Bleach Works, Primary Facility ID # **869605**, 25 Ridge Road, Shoemakersville, PA 19555, Perry Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601 on behalf of Applebutter VI, LLC, 5050 Applebutter Road, Pipersville, PA 18947, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil & groundwater contaminated with chemicals. The site will be remediated to the site-specific standard. Future use of the site will continue to be a mixture of nonresidential and residential uses. The Notice of Intent to Remediate was published in *Reading Eagle* on August 11, 2023. Application received: August 24, 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 suffi-

cient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

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

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

PLAN APPROVALS

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

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.

18-00036A: Croda, Inc., 8 Croda Way, Mill Hall, PA 17751, Lamar Township, **Clinton County**. Application received: February 27, 2023. For the construction of a specialty chemical manufacturing operation at the proposed Lamar Manufacturing Site. Emissions from the chemical manufacturing process will be controlled by a wet scrubbing system and a low temperature condenser system. In addition to the chemical manufacturing process, the proposed project also includes six storage vessels, one 600 kW diesel-fired emergency generator, and fugitive emissions from equipment and process piping. The Department of Environmental Protection's (Department) review of the information submitted by Croda, Inc. indicates that the proposed equipment will comply with all regulatory requirements pertaining to air cleaning devices and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12 as well as 40 CFR Part 60 Subpart IIII. Based on this finding, the Department proposes to issue a plan approval for the installation of the proposed equipment and control devices. The emission from each proposed source included in this project will not exceed the following limits: Volatile organic compounds (VOCs) from the manufacturing process shall not exceed 2.97 lbs/hr and 3.25 tons/year. Hazardous air pollutants (HAPs) from the manufacturing process shall not exceed 1.69 lbs/hr and 1.85 tons/year. The total combined VOC emissions from the storage vessels shall not exceed 2.51 tons/year. The HAP emissions from the storage vessels shall not exceed 0.79 ton/year. The total combined

VOC emissions from fugitive emission leaks shall not exceed 2.00 tons/year. The HAP emissions from fugitive emission leaks shall not exceed 0.51 ton/year. The emissions from the diesel-fired emergency generator shall not exceed: (a) Nitrogen Oxide and Non-methane Hydrocarbons ($\text{NO}_x + \text{NMHC}$) - 4.8 grams per horsepower-hour (g/bhp-hr) and 2.13 tons/year. (b) Carbon Monoxide (CO) - 2.7 g/bhp-hr and 1.20 tons/year. (c) Particulate Matter (PM) - 0.15 g/bhp-hr and 0.07 ton/year. In addition to the emission limitations, the proposed plan approval includes testing, monitoring, work practice, recordkeeping and reporting requirements in order to ensure and verify compliance with the emission limits as well as all applicable air quality regulatory requirements. The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 18-00036A, the requirements established in the plan approval will be incorporated into a State Only Operating Permit pursuant to 25 Pa. Code Chapter 127, Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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-11-00536A: CPV Fairview, LLC, 1 North Lexington Ave., Suite 1400, White Plains, NY 10601, Jackson Township, **Cambria County**. Application received: April 12, 2022. Application received: April 12, 2022, and supplemented on May 11, 2023, and September 13, 2023. Pursuant to 25 Pa. Code §§ 127.44—127.46 for intent to issue a modification to the Air Quality plan approval for the CPV Fairview Energy Center (“facility”), a combined-cycle electric generating station located at 2862 William Penn Avenue, Johnstown, PA 15909, a Title V facility in Jackson Township, Cambria County. This notice supersedes and replaces an earlier notice published in the *Pennsylvania Bulletin* on July 8, 2023. The proposed modification includes a change in the calculation method of annual formaldehyde emissions from the two (2) combustion turbines and a resulting increase in the annual emission limit, and also a change in the annual emission rate for sulfur hexafluoride (SF6). Additional changes to the plan approval include clarification of stack testing requirements for the combustion turbines. The permittee is proposing a modification of Section E; Source Group Name: EGUS, Condition # 009, to allow for a conditional delay of the requirement to complete ethane blend stack testing every two (2) years if the facility hasn't fired the fuel since the previous required stack test. The permittee also seeks to clarify Condition # 009 to specify the two operating modes (duct fired and unfired). The plan approval changes also include corrections of the brake horsepower (bhp) ratings for the emergency engine and for the fire pump engine. The emergency engine rating of 2,206 bhp is being corrected to 2,220, and the bhp for the fire pump previously listed as 422 and 350 is being corrected to 305 bhp. The facility-wide net increases in potential to emit (PTE) associated with the proposed modification will not exceed 6.72 tons of formaldehyde, 6.78 tons of total hazardous air pollutants, 0.05 ton of SF6, and 275 tons of carbon dioxide equivalents (CO_2e) per year. The modification will also clarify that the

annual facility-wide emission rate for carbon monoxide is 155.2 tons. The change in emissions at the facility is such that it does not trigger the requirements of 40 CFR 52.21 related to Prevention of Significant Deterioration (PSD), or those of 25 Pa. Code Chapter 127, Subchapter E related to Nonattainment New Source Review (NNSR). The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To schedule an appointment to review the Air Quality plan approval application or proposed Air Quality plan approval, or to receive an electronic copy of the Department's Air Quality review memorandum or the proposed Air Quality plan approval for the proposed project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000. A person may oppose the proposed Air Quality plan approval modification by filing a written protest with the Department or may submit written comments through Nicholas J. Waryanka, P.E., Air Quality Engineer, via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; via email to nwaryanka@pa.gov; or via fax to 412.442.4194. Each protest and set of written comments must contain the name, address, and telephone number of the person submitting the protest or comments, identification of the proposed plan approval (PA-11-00536A) and a concise statement of the objections to plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A public hearing may be held, if the Department, in its discretion, determines that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written requests for a public hearing should be directed to Sheri Guerrieri, P.E., New Source Review Chief, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or via email to shguerrier@pa.gov.

OPERATING PERMITS

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

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

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

36-05018, Aquatic Company, 40 Industrial Rd., Elizabethtown, PA 17022, West Donegal Township, **Lancaster County**. Application received: April 13, 2023. To issue a Title V Operating Permit for their fiberglass shower stalls and bathtubs manufacturing. Actual emissions from the facility in 2022 were reported to be 0.87 ton of CO, 1.04 tons of NO_x , 0.02 ton of PM_{10} , 0.01 ton of SO_x , 11.18 tons of VOC, 10.30 tons of Single Hap (Styrene) and

10.96 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart WWWW—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastics Composites Production, 40 CFR 63 Subpart SS—National Emission Standards for Close Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process and 40 CFR 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

06-05065, Glen-Gery Corporation, 423 South Pottsville Pike, Shoemakersville, PA 19555, Perry Township, Berks County. Application received: November 21, 2022. To issue a Title V Operating Permit for the brick manufacturing plant. The actual emissions from the facility in the 2022 calendar year are estimated at 126.7 tons of CO; 30.2 tons of NO_x; 32.0 tons of PM₁₀; 68.3 tons of SO_x; and 7.7 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR part 60 subpart JJJJ and 25 Pa. Code § 129.63.

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

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

TV-11-00536, CPV Fairview, LLC, 1 North Lexington Ave., Suite 1400, White Plains, NY 10601, Jackson Township, Cambria County. Application received: May 31, 2022. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue an initial Title V Operating Permit for operation of the Fairview Energy Center located in Jackson Township, Cambria County (2862 William Penn Avenue, Johnstown, PA 15909). This initial Title V Operating Permit will incorporate separately noticed, recent plan approval amendments to No. PA-11-00536A based on an application submitted to the Department on April 12, 2022 and supplemented on May 11, 2023, and September 13, 2023. This notice supersedes and replaces an earlier notice published in the *Pennsylvania Bulletin* on July 8, 2023. The emission sources covered by this operating permit includes two (2) General Electric Model # 7HA.02 natural gas fired, combined-cycle combustion turbines with a nominal heat input rating of 3,338 MMBtu/hr HHV, each, coupled with heat recovery steam generators and equipped with duct burners with a nominal heat input rating of 425 MMBtu/hr each; a Caterpillar ultra-low sulfur diesel fired emergency generator engine rated at 2,220 Bhp; a John Deere ultra-low sulfur diesel fired emergency fire water pump engine rated at 305 Bhp; an Evaptech cooling tower equipped with a drift eliminator for particulate matter control; a Rentech natural gas-fired auxiliary boiler rated at 92.4 MMBtu/hr; an Aether DBS natural gas fired dew point heater rated at 12.8 MMBtu/hr; SF₆ circuit breaker fugitive emissions; and natural gas and ethane blend piping fugitive emissions. The combustion turbines are equipped with oxidation catalysts and selective catalytic reduction air cleaning devices for control of NO_x, CO, VOC, and organic HAP emissions. The cooling tower is equipped with a drift eliminator air cleaning device for control of PM, PM₁₀, and PM_{2.5}

emissions. Potential emissions for the facility including emission restrictions have been calculated as follows: 155.2 tons per year of carbon monoxide (CO), 221.4 tons per year of nitrogen oxides (NO_x), 120.8 tons per year of particulate matter (PM), 120.8 tons per year of particulate matter less than 10-microns (PM₁₀), 119.2 tons per year of particulate matter less than 2.5-microns (PM_{2.5}), 32.3 tons per year of sulfur dioxide (SO₂), 64.7 tons per year of volatile organic compounds (VOC), 19.7 tons per year of hydrogen sulfate (H₂SO₄), 0.0147 ton per year of lead (Pb), 7.1 tons per year of formaldehyde (HCHO), 0.05 ton per year of sulfur hexafluoride (SF₆), 16.6 tons per year total Hazardous Air Pollutants (HAP), and 3,658,550 tons per year of greenhouse gases (GHGs). The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 61, 63, and 70, and 25 Pa. Code Article III, Chapters 121—145. All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000. Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nicholas J. Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit TV-11-00536) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

OPERATING PERMITS

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

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

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

17-00020, Glenn O. Hawbaker, Inc., 711 East College Avenue, Pleasant Gap, PA 16823-5210, Sandy Township, Clearfield County. Application received: May 22, 2023. State Only (Synthetic Minor) operating permit renewal authorization to permit continued operation of their existing asphalt plant sources. The facility is comprised of a drum mix asphalt plant fired on natural gas (or No. 2 oil, Source ID P101), and the waste oil combustion sources/

heaters (Source ID P102), along with the hot oil system associated with Source ID 031 and the parts washers associated with Source ID P104. The type and quantity of pollutants emitted on a facility-wide basis are, as follows: 25.3 tons per year (tpy) PM₁₀; 6.1 tpy SO_x (as SO₂); 13.9 tpy NO_x; 65.8 tpy CO; 16.7 tpy VOC; and 2.7 total HAPs. There were source removals other minor changes to the facility over the permit cycle, including the addition of a new aboveground storage tank for liquid asphalt. The State Only (Synthetic Minor) permit renewal authorization incorporates minor changes in the applicable compliance demonstration requirements for Source ID 001, along with the facility's other sources. The previously listed facility's renewal operating permit renewal contains all applicable requirements including the testing, monitoring, recordkeeping, reporting, work practice other compliance conditions as necessary to verify compliance with the applicable requirements as derived from to the PA DEP air quality rules and regulations under Article III of 25 Pa. Code Chapters 121 and 145, relating to Air Resources. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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.

35-00028, Scranton Hospital Co LLC—Moses Taylor, 700 Quincey Ave, Scranton, PA 18510, City of Scranton, **Lackawanna County**. Application received: August 2, 2023. The Department intends to issue a renewal State-Only Operating Permit for their boilers. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

24-00124, Bluewater Thermal Solutions, 5400 W Lake St, Melrose Park, IL 60160-2736, City of Saint Marys, **Elk County**. Application received: October 31, 2022. The Department intends to issue the renewal State Only Natural Minor Operating Permit for the heat-treating facility. The facility's primary emission sources include miscellaneous natural gas usage, fifteen tempering furnaces, ten heat-treating furnaces, and quench oil tanks. The potential emissions of the primary pollutants from the facility are as follows: 25.46 TPY NO_x, 15.87 TPY CO, 1.77 TPY VOC, 1.44 TPY PM₁₀ and PM_{2.5}, and 0.11 TPY SO_x; thus, the facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

16-00178, Champion Modular Homes Plt 270, 451 Southern Ave, Strattanville, PA 16258, Strattanville Borough, **Clarion County**. Application received: November 1, 2022. The Department intends to issue the new State Only Natural Minor Operating Permit for the modular home construction facility. The facility's primary emission sources include an assembly area, the drywall/mill controlled by two small bighouses, and space heating units.

The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 2.83 TPY NO_x, 2.37 TPY CO, 27.05 TPY VOC, 0.25 TPY PM₁₀ and PM_{2.5}, and 0.02 TPY SO_x; thus, the facility is a natural minor. Plan approval 16-178A was issued on September 9, 2022 and includes a VOC content restriction on surface coating as well as recordkeeping requirements. The surface coating processes are also subject to 25 Pa. Code § 129.77 for control of emissions from the use or application of adhesives, sealants, primers and solvents. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

36-03034, Purina Animal Nutrition, LLC, 3029 Hempland Road, Lancaster, PA 17601-1309, East Hempfield Township, **Lancaster County**. Application received: July 5, 2023. To issue a State-Only Operating Permit for operation of their animal feed manufacturing plant. The subject facility has the potential-to-emit 2.94 tons per year CO, 3.50 tons per year NO_x, 8.15 tons per year PM₁₀/PM_{2.5}, 0.02 ton per year SO_x, and 0.19 ton per year VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

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

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

46-00008, Coopers Creek Chemical Company, 884 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. Application received: February 14, 2023. For the renewal of the Synthetic Minor Operating Permit. The Synthetic Minor Operating Permit was last renewed on August 21, 2018. The facility is a manufacturer of coal tar distillate and refined coal tar pitch, made from crude petroleum tar and crude bituminous, which also includes crude coal tar. The facility operates a system of five (5) stills (Sources 117, 118, 120, 121, and 123) with condensers (Sources 119, 122, and 124). Other sources include a hot oil heater system (Source 032), miscellaneous heaters and boilers (Source 033), various storage tanks (Sources 110, 111, 112, 113, 114A, and 115), and an emergency generator (Source 116). To avoid being a major facility for NO_x, the facility is subject to a restriction on the total heat input of all combustion sources at the facility. Total potential emissions from the facility are: 11.86 TPY for NO_x, 23.00 TPY for VOC, 6.5 TPY for CO, 3.84 TPY for SO_x, 0.66 TPY for PM, and 8.50 TPY for Total HAP. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

63-00872, RTS Packaging, LLC, 300 & Penn Central Railroad, Charleroi, PA 15022, Charleroi Borough, **Washington County**. Application received: June 13, 2023. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue a renewed natural minor state-only operating permit to RTS Packaging, LLC for the paper-board partition manufacturing facility located in Charleroi Borough, Washington County. Sources of emissions are grouped as VOC/HAP Sources, which include a spray booth, parts washer, and various adhesives, Fuel Burning Sources totaling 11.2 MMBtu/hr fueled by natural gas, and Fabrication Sources, which include manufacturing lines 1—9 and manual scrap vacuuming controlled by two-cyclone system to control particulate emissions. Potential emissions at this facility are 26.4 tons per year (TPY) PM, 0.7 TPY PM₁₀, 0.7 TPY PM_{2.5}, 2.4 TPY VOC, 4.9 TPY NO_x, 4.1 TPY CO, 0.03 TPY SO_x, and 0.1 TPY total HAP, and 5,804 TPY CO_{2e}. The facility is required to conduct surveys of the site once per day to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The air quality permit includes operating requirements, monitoring requirements, and recordkeeping requirements for the site. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the natural minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00872) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address. All comments must be received prior to the close of business 30 days after the date of this publication. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

PLAN APPROVALS

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

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

Contact: Mark J Wejkszner, Air Quality Program Manager.

66-00013B, UGI Energy Services LLC, 835 Knitting Mills Way, Wyomissing, PA 19610, Washington Township, **Wyoming County**. Application received: July 19, 2023.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to UGI Energy Services LLC for their facility located in Washington Twp., Wyoming County. This Plan Approval No. 66-00013B will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 66-00013B is for the installation and operation of an additional Solar Taurus 60-7800S Turbine rated at 60.58 MMBtu/hr. The proposed turbine will use Solar's SoLoNO_x technology to control NO_x emissions. The facility will remain a minor source after the installation of the proposed new turbine. The project will not be subject to PSD or NNSR. The equipment will meet Pennsylvania Best Available Technology (BAT) emissions controls and comply with NSPS Subpart KKKK requirements as applicable. NO_x emissions will be limited to 15 ppm at 15% O₂, CO emissions will be limited to 25 ppm at 100% load and VOC emissions will be limited to 2.5 ppm at 100% load when burning natural gas. The company will be permitted to operate turbines up to 8,760 hours annually. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.13 for particulate emissions. The company shall comply with 123.41 for visible emissions.

The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. 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 DEP, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 66-00013B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit is required.

A public hearing may be held, if the DEP, 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 Mark Wejkszner, P.E., Environmental Program Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's

newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

Coal Applications

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

Table 1

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

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, 724-416-8299.

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

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, **Greene County**. To revise the permit and related NPDES permit for grading at the entrance to the 6 South 3 Portal Facility, affecting 1.7 proposed surface acres. Application received: August 31, 2023. Accepted: September 18, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 40930102. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, Hazle Township, **Luzerne County**. Renewal of an anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation affecting 696.0 acres. Receiving stream: Little Nescopeck Creek, classified for the following uses: CWF, MF. Application received: September 11, 2023.

Mining Permit No. 40930102. GP12 Permit No. GP12-40930102. Blaschak Anthracite Corp., P.O. Box 12, Mahanoy City, PA 17948, Hazle Township, **Luzerne County**. Renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12. Application received: September 11, 2023.

Mining Permit No. 40663025. Wildcat Carbon Processing, LLC, 100 Hazlebrook Road, Hazleton, PA 18201, Hazle Township, **Luzerne County**. Transfer from Pagnotti Enterprises, Inc. and correction of an anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation to add 7.9 acres for a total of 279.57 acres. Receiving stream: Black Creek, classified for the following uses: CWF, MF. Application received: September 15, 2023.

Mining Permit No. 40663026. Wildcat Carbon Processing, LLC, 100 Hazlebrook Road, Hazleton, PA 18201, Hazle Township, **Luzerne County**. Transfer from Pagnotti Enterprises, Inc. and correction of an anthracite coal refuse disposal and preparation plant operation to add 7.1 acres for a total of 84.1 acres. Receiving stream: Black Creek, classified for the following uses: CWF, MF. Application received: September 18, 2023.

Noncoal Applications

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

Table 2

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

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

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

Mining Permit No. 42850302. Wayne Gravel Products, Inc., 262 Route 44, Shinglehouse, PA 16748, Ceres Township, **McKean County**. Transfer of an existing surface mine from Wayne Gravel Products. Application received: September 1, 2023.

Mining Permit No. 37050302. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Lawrence County**. Revision to include a land use change from forestland and residential to unmanaged natural habitat. Application received: September 14, 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:

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

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

NPDES No. PA0236195. Mining Permit No. 30121301. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Greene County**. Application received: June 30, 2022. Accepted: September 7, 2022.

To revise the permit and related NPDES permit for the installation of an airshaft and two (2) new NPDES discharge points, affecting 455.35 proposed surface acres and 11,904.0 underground acres. Receiving stream(s): Unnamed Tributary 40691 of Grays Fork, classified for the following use: HQ-WWF. Monongahela River Watershed TMDL.

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

The proposed effluent limits for Outfall 005 discharging to UNT 40691 to Grays Fork are:

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	0.454	0.908	1.135
Manganese	(mg/l)	-	0.055	0.11	0.137
Aluminum	(mg/l)	-	0.24	0.48	0.60
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	3.44	3.44	3.44
Total Dissolved Solids	(mg/l)	-	2,000	4,000	5,000
Sulfate	(mg/l)	-	26.11	26.11	26.11

The proposed effluent limits for Outfall 006 discharging to UNT 40691 to Grays Fork are:

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	0.454	0.908	1.135
Manganese	(mg/l)	-	0.055	0.11	0.137
Aluminum	(mg/l)	-	0.24	0.48	0.60
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	3.44	3.44	3.44
Total Dissolved Solids	(mg/l)	-	2,000	4,000	5,000
Sulfate	(mg/l)	-	26.11	26.11	26.11

The EPA Waiver is not in effect.

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. PA0234877. Mining Permit No. 56980107. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Milford Township, **Somerset County**. Renewal of an NPDES permit affecting 23.1 acres related to a coal mining activity permit. Receiving stream: Casselman River, classified for the following use: WWF. The Casselman River has an approved TMDL. Application received: August 2, 2023.

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

The following outfalls discharge to Casselman River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
011	Existing	Treatment	0.02 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	3.0	6.0	7.0
Total Manganese (mg/L)	XXX	2.0	4.0	5.0
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	10.0
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

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0225690. Mining Permit No. 7775SM6. Glen-Gery Corp., 1166 Spring Street, Wyomissing, PA 19610, Perry Township, **Berks County.** Application received: October 11, 2022.

Renewal and revision of an NPDES permit affecting 115.0 acres. Receiving stream: UNT to Schuylkill River, classified for the following use: WWF (TMDL for PCBs).

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

The proposed effluent limits are as follows:

The following limits apply to dry weather discharges from the following stormwater outfalls: 001, 002

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor And Report	

ⁱThis Parameter is applicable at all times.

The following alternate discharge limitations apply to discharges from the following stormwater outfalls resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event: 001, 002

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (ml/L)				0.5

ⁱThis Parameter is applicable at all times.

NPDES Permit No. PA0594334. Mining Permit No. 74740303. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Lower Mount Bethel Township, **Northampton County.** Application received: May 1, 2023.

Renew NPDES permit affecting 367.1 acres. Receiving stream: Delaware River, classified for the following uses: WWF, MF.

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

The following treated wastewater outfalls discharge to Delaware River

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	1.0 MGD
002	Existing	TFO	10.0 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD) Outfall 001		1.0	1.0	
Discharge (MGD) Outfall 002		10.0	15.0	
Turbidity (NTU)		40.0	80.0	100.0

ⁱThis Parameter is applicable at all times.

NPDES Permit No. PA0595519. Mining Permit No. 8073SM2. Glasgow, Inc., P.O. Box 1089, Glenside, PA 19038, Upper Merion Township, **Montgomery County.** Application received: February 21, 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)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOPRG@pa.gov.

E4129223-006. Pennsylvania General Energy Co., LLC, 120 Market Street, Warren, PA 16365, Cummings Township and McHenry Township, **Lycoming County.** U.S. Army Corps of Engineers Baltimore District. Application received: September 12, 2023.

To construct, operate and maintain nine (9) stream crossings and one (1) wetland crossings in Cummings & McHenry Township, Lycoming County for the construction of 19,925 linear feet of 12" natural gas pipeline and 19,887 linear feet of two (2) 8" flexsteel waterlines within a 30' wide permanent right-of-way and temporary right-of-way that varies in width. All stream and wetland crossings will be open cut.

The project will result in a total of 81 LF (390 SF) of permanent and 385 LF (3,151 SF) of temporary stream impacts, 808 SF (0.0185 acre) of permanent and 1,524 SF (0.0350 acre) of temporary wetland impacts and 2,908 SF (0.0668 acre) of permanent and 9,636 SF (0.2212 acre) of temporary floodway impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

Stream Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Channel 1 Hackett Fork	McHenry Cammal	Timber Mats Workspace	EV	Wild	9	66			41.40720° 77.368915°
Channel 3 Ott Fork	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	34	270	8	48	41.414114° 77.389216°
Channel 4 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	45	268	6	37	41.425849° 77.390034°

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Channel 5 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	48	239	6	36	41.426394° 77.389589°
Channel 6 Bark Cabin Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	55	664	12	69	41.430196° 77.390919°
Channel 9 Silver Branch	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	48	629	18	79	41.389294° 77.389351°
Channel 9A UNT Silver Branch	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	49	285	6	28	41.439099° 77.389347°
Channel 10 UNT Silver Branch	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	52	654	19	84	41.447727° 77.383877°
Channel 12 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	45	76	6	9	41.425595° 77.390386°
TOTAL IMPACTS					385	3,151	81	390	

Wetland Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Wetland 7	McHenry Cammal	Pipeline & Workspace	PFO	Wild		1,524		808	41.415978° 77.389448°
TOTAL IMPACTS						1,524		808	

Floodway Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Channel 1 Hackett Fork	McHenry Cammal	Timber Mats Workspace		1,856			41.40720° 77.368915°
Channel 3 Ott Fork	McHenry Cammal	Pipeline & Workspace		1,016		494	41.414114° 77.389216°
Channel 4 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace		102		18	41.425849° 77.390034°
Channel 5 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace		211		53	41.426394° 77.389589°
Channel 6 Bark Cabin Run	McHenry Cammal	Pipeline & Workspace		1,835		637	41.430196° 77.390919°
Channel 9 Silver Branch	McHenry Cammal	Pipeline & Workspace		1,643		600	41.389294° 77.389351°
Channel 9A UNT Silver Branch	McHenry Cammal	Pipeline & Workspace		1,411		527	41.439099° 77.389347°
Channel 10 UNT Silver Branch	McHenry Cammal	Pipeline & Workspace		1,421		505	41.447727° 77.383877°
Channel 12 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace		141		74	41.425595° 77.390386°
TOTAL IMPACTS				9,636		2,908	

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.

E3502223-006. MLSY Realty, LLC, 754 Eastern Parkway, Brooklyn, NY 11213, Clifton Township, **Lackawanna County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 30, 2023.

To construct a 45-foot-long steel beam bridge with concrete abutments over Tamarack Creek (EV-CWF, MF), due to the collapsing of the existing structure. The project is located in Clifton Township, Lackawanna County, PA. (Thornhurst, PA Quadrangle, Latitude: 41° 14' 13"; Longitude: -75° 30' 18").

E6602223-001. Tunkhannock Borough, 126 Warren Street, Tunkhannock, PA 18657, Tunkhannock Borough, **Wyoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 1, 2023.

To construct a 30-foot by 40-foot utility shed in the floodplain of Swale Brook (CWF, MF). The project is located in Tunkhannock Borough, Wyoming County, PA. (Tunkhannock, PA Quadrangle, Latitude: 41° 32' 28"; Longitude: -75° 56' 29.8").

E4802223-003. River Pointe Logistics Center, LLC, 559 Main Street, Suite 300, Bethlehem, PA 18018-5826, Upper Mount Bethel Township, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District. Application received: June 14, 2023.

To construct and maintain the following water obstructions and encroachments associated with the River Pointe Logistics Center project:

1) A stream enclosure of a UNT to the Delaware River (CWF, MF) consisting of a 193-LF, 36-inch diameter RCP, concrete headwall, concrete endwall, two (2) concrete manholes, and R-4 riprap aprons on the upstream and downstream ends of the enclosure.

2) A utility line crossing of an enclosed portion of a UNT to the Delaware River (CWF, MF) consisting of a 2-inch diameter PVC sanitary force main, a 12-inch diameter water main, an electrical conduit, and a 2-inch diameter natural gas line.

3) A stream enclosure of a UNT to the Delaware River (CWF, MF) consisting of a 150-LF, 36-inch diameter RCP, concrete headwall, concrete endwall, two (2) concrete manholes, R-4 riprap apron, and riprap aprons on the upstream and downstream ends of the enclosure.

4) A utility line crossing of an enclosed portion of a UNT to the Delaware River (CWF, MF) consisting of a 2-inch diameter PVC sanitary force main, a 12-inch diameter water main, an electrical conduit, and a 2-inch diameter natural gas line.

5) A fill within 0.05-acre of PFO Wetlands (Other) for the purpose of constructing a 35-foot wide access roadway and associated grading.

6) A fill within 0.01-acre of PFO Wetlands (Other) for the purpose of constructing a 35-foot wide access roadway and associated grading.

7) A utility line crossing of a UNT to the Delaware River (CWF, MF) consisting of a 2-inch diameter electrical conduit and a 2-inch diameter water irrigation line.

8) A utility line crossing of a UNT to the Delaware River (CWF, MF) consisting of two (2) 24-inch diameter PVC sanitary force mains.

9) A fill within 0.004-acre of PEM Wetlands (Other) for the purpose of constructing a Parking Lot # 3.

10) A stream crossing of a UNT to the Delaware River (CWF, MF) consisting of a 93-foot long, 58-inch x 91-inch diameter elliptical concrete pipe, concrete headwall, concrete endwall, and R-4 riprap on the downstream end of the culvert.

11) A utility line crossing of an enclosed portion of a UNT to the Delaware River (CWF, MF) consisting of a 12-inch diameter PVC sanitary force main, 6-inch diameter force main, a 12-inch diameter water main, an electrical conduit, and a 2-inch diameter natural gas line.

12) A stormwater outfall within the floodway of a UNT to the Delaware River (CWF, MF) consisting of a 36-inch diameter HDPE pipe and R-3 riprap apron.

13) A stormwater outfall within the floodway of a UNT to the Delaware River (CWF, MF) consisting of a 36-inch diameter HDPE pipe and R-3 riprap apron.

14) A fill within 0.03-acre of PFO Wetlands (Other) for the purpose of grading associated with a parking lot.

15) A utility line crossing of PFO Wetlands (Other) consisting of a 30-inch diameter HDPE stormwater pipe.

16) A fill within 0.01-acre of PEM Wetlands (Other) for the purpose of constructing a parking lot.

17) A fill within 0.09-acre of PEM Wetlands (Other) for the purpose of constructing a parking lot.

18) A stream enclosure of a UNT to the Delaware River (CWF, MF) consisting of a 16-LF, 36-inch diameter HDPE pipe, a concrete drop structure, a 199-LF, 36-inch diameter reinforced concrete pipe, three (3) concrete manholes, concrete headwall, concrete endwall, and R-4 riprap apron on the downstream end of the enclosure.

19) A stormwater outfall within the floodway of a UNT to the Delaware River (CWF, MF) consisting of a 10-inch diameter HDPE pipe, concrete endwall, and R-3 riprap apron.

20) A stream enclosure of a UNT to the Delaware River (CWF, MF) consisting of a 178-LF, 30-inch diameter reinforced concrete pipe, concrete manhole, a concrete headwall, concrete endwall, and R-4 riprap apron on the downstream end of the enclosure.

21) A stream enclosure of a UNT to the Delaware River (CWF, MF) consisting of a 135-LF, 42-inch diameter HDPE pipe, a concrete manhole, concrete headwall, concrete endwall, and R-4 riprap apron on the downstream end of the enclosure.

22) A utility line crossing of an enclosed portion of a UNT to the Delaware River (CWF, MF) consisting of a 12-inch diameter PVC sanitary force main, a 12-inch diameter water main, an electrical conduit, and a 2-inch diameter natural gas line.

23) A utility line crossing of an enclosed portion of a UNT to the Delaware River (CWF, MF) consisting of a 12-inch diameter PVC sanitary force main, a 12-inch diameter water main, an electrical conduit, and a 2-inch diameter natural gas line.

The project is located approximately (Portland, PA Quadrangle Latitude: 40° 54' 12.52", Longitude: -75° 5' 30.9") in Upper Mount Bethel Township, Northampton County.

E6402223-001. New York State Department of Transportation, Region 9, 44 Hawley Street, Binghamton, PA 13901, Damascus Township, **Wayne County**.

U.S. Army Corps of Engineers Philadelphia District. Application received: April 24, 2023.

To rehabilitate the existing 16-foot by 954-foot long 7 span multi girder concrete deck bridge structure (Bridge # 7) over the Delaware River connecting Bridge Street in Damascus Township in Pennsylvania to Town of Delaware in New York. Project consists of replacement of bridge deck, repair of deteriorated substructure concrete at abutments and replacement of deteriorated concrete in piers along with rock rip rap placement for scour protection. A temporary causeway will be installed in the Delaware River during construction. Project impacts in PA total 225 lf of structure repair along with 0.21 acre of temporary causeway. Project is located along SR 1020 Seg 0010 Off 0000 at intersection with SR 1016 in Damascus Twp, Wayne County. (Damascus, PA-NY Quadrangle, Latitude: 41.764610, Longitude: -75.061559).

E3902223-004. Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18034, Upper Saucon Township, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 7, 2023.

To construct and maintain approximately 2,643 linear feet of 8-inch diameter water main within the Saucon Creek Watershed (CWF, MF) to provide better service and operating pressure. Project includes the following activities: 1. Install an 8-inch diameter water main in EV wetlands, with an impact of approximately 173 square feet. Pipe will be installed via open cut. 2. Install an 8-inch diameter water main with length of 48.64-feet approximately 4.0-foot below Stream 1 (Laurel Run). Pipe will be bored beneath existing stream crossing. The project also includes the installation of a temporary crossing of Wetland 1 for use during construction consisting of 7,352 square feet of temporary timber matting. Total project impacts equal 33 square feet of stream crossings. The project is located along SR 2047, Landis Mill Road and adjacent area in Upper Saucon Township, Lehigh County (Allentown East, PA Quadrangle, Latitude: 40° 32' 46"; Longitude: -75° 23' 15").

E3902223-005. Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18034, Upper Saucon Township, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 13, 2023.

To construct and maintain 8,383 linear feet of 8-inch diameter gravity sewer main, 4,511 linear feet of 6-inch diameter sanitary sewer force main, 53 manholes, and a sanitary sewer pump station within the Saucon Creek Watershed (CWF, MF). Project includes the following activities:

1. Install a 6-inch diameter sewer main with a length of 2.1 feet and approximately 4.0-feet below Stream 1 (Tributary Saucon Creek). Pipe will be bored beneath existing stream crossing.
2. Install a 6-inch diameter water main in Wetland 1 (EV), with an impact of approximately 36.4 square feet. Pipe will be installed via horizontal directional drill.
3. Install a 6-inch diameter sewer main with a length of 9.2 feet and approximately 4.0 foot below Stream 2 (Tributary Saucon Creek). Pipe will be bored beneath existing stream crossing.
4. Install a 6-inch diameter sewer main in Wetland 2 (EV), with an impact of approximately 39.05 square feet. Pipe will be installed via horizontal directional drill.

5. Install a 3-foot diameter sewer main in Wetland 3 (EV), with an impact of approximately 67.8 square feet. Pipe will be installed via open cut.

6. Install a 3-foot diameter encased sewer main with a length of 3.94 feet and approximately 4.0 foot below Stream 4 (Tributary Saucon Creek). Pipe will be installed via open cut.

7. Install a 1.33-foot diameter encased sewer main with a length of 7.82 feet and approximately 4.0 foot below Stream 5 (Tributary Saucon Creek). Pipe will be bored beneath existing stream crossing.

8. Install a 3-foot diameter encased sewer main with a length of 2.9 feet and approximately 4.0 foot below Stream 6 (Tributary Saucon Creek). Pipe will be installed via open cut. The project also includes the installation of a temporary crossing of Wetland 3 for use during construction consisting of 1,280 square feet of temporary timber matting. Stream 4 will have temporary impacts, for a temporary bridge crossing with a length of 16 feet.

Total project impacts equal 355 square feet of stream crossings. The project is located along T-410, Chestnut Hill Road and adjacent areas in Upper Saucon Township, Lehigh County (Allentown East, PA Quadrangle, Latitude: 40° 31' 24"; Longitude: -75° 26' 55").

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

Contact: Waterways & Wetlands Program 717-705-4802.

E3603223-007. Conestoga Pines Park, 150 Pitney Road, Lancaster, PA 17601, City of Lancaster, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 9, 2023.

To install and maintain a 6-inch chain link safety fence at the floodway of the Conestoga River (WWF, MF) that will permanently impact approximately 0.01 acre of floodway for the purpose of restricting public access to the stream. The project is located approximately 0.38 mile west of the intersection of Pitney Road and Arthur E. Morris Parkway in the City of Lancaster, Lancaster County. No wetland impact is associated with this project. Latitude: 40.0511°, Longitude: -76.2724°.

E2103223-005. Front Porch Builders, 1559 Boiling Springs Road, Boiling Springs, PA 17007, Monroe Township, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 13, 2023.

To 1) Construct and maintain a 120-foot long pedestrian suspension bridge across the Yellow Breeches Creek (HQ-CWF, MF), resulting in 12 linear feet (984 square feet) of permanent stream impact and 100 square feet of permanent floodway impact; 2) place and maintain fill for bridge footings within the floodway of Yellow Breeches Creek (HQ-CWF, MF) resulting in 408 square feet of permanent floodway impact; 3) place, maintain, and then remove timber matting for temporary site access, resulting in 0.06 acre of temporary impact to an emergent exceptional value wetland, all for the purpose of providing additional outdoor recreational opportunities for local resort guests and community use. The project is located at the Allenberry Resort along Boiling Springs Road (SR 0174) in Monroe Township, Cumberland County. Wetland impacts are temporary and are expected to re-establish onsite and replacement is not required. Latitude: 40.148956°, Longitude: -77.114387°.

E4403223-002. Pennsylvania Electric Company, a FirstEnergy Company, 730 South Avenue, Youngstown,

OH 44502-2011, Burnham Borough, **Mifflin County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 3, 2023.

To place and maintain fill in the floodway of the Kishacoquillas Creek (HQ-CWF) for the purpose of expanding an existing substation facility. The project proposes 5,680.0-feet (93.0-feet by 61.0-feet) of permanent impact to the floodway of the watercourse. The project is located off of South Main Street in Burnham Borough, Mifflin County. There will be no wetlands impacted by the project. Latitude: 40.636113°, Longitude: -77.573231°.

E2103223-006. Travis Horn, 37 Balfour Drive, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 27, 2023.

To 1) install a gravel pathway and a grade patio and artificial turf along Conodoguinet Creek (WWF, MF) impacting 2,370 square feet of its floodway. All impacts are for the purpose of recreation. This is an after the fact permit. The project is located in Silver Spring Township, Cumberland County. There are no wetland impacts associated with the project. Latitude: 40.262270°, Longitude: -77.017522°.

E3603123-008. PennDOT Engineering District 8-0, 2140 Herr St., Harrisburg, PA 17103, Caernarvon Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 5, 2023.

To remove existing structure and to (1) install and maintain 32.21 linear foot 12-foot x 4 foot box culvert with 1-foot uniform depression in UNT Conestoga River (WWF, MF) with riprap scour protection and (2) relocate 74 of in UNT Conestoga River (WWF, MF), for the purpose of improving transportation safety. The project proposes to permanently impact 153 linear feet, temporarily impact 179 linear feet of stream channel and 0.01 ac of both permanent and temporary wetland impacts. The project is located in Caernarvon Township, Lancaster County. Latitude: 40.1474°, Longitude: -75.938°.

E0603123-018. PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Rockland Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 5, 2023.

To remove existing structure and to (1) to install and maintain a 52.17 foot x 42.97 foot bridge over Bieber Creek (EV, MF) and (2) install two outfall to Bieber Creek all for the purpose upgrading the roadway drainage to maintain transportation safety and roadway standards. The project proposes to permanently impact 65 linear feet of stream change with 229 linear feet of temporary impacts. The project is located along SR 1021 in Rockland Township, Berks County. Latitude: 40.4193°, Longitude: -75.7637°.

E6703223-011. York Township, 190 Oak Road, Dallastown, PA 17313, York Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 25, 2023.

To conduct a stream stabilization project on 900 feet of an unnamed tributary to Mill Creek (WWF, MF) including: 1.) the construction and maintenance of ten cross rock vanes; 2.) the construction and maintenance of two boulder deflectors; 3.) the construction and maintenance of four mudsills; 4.) the construction and maintenance of 5 rock/log drop structures; 5.) the installation and maintenance of 642 feet of rip rap; and 6.) the construction and

maintenance of a 1.0-foot by 27.0-foot concrete weir depressed six inches into the streambed, all impacting 0.03 acre of exceptional value palustrine emergent/scrub shrub wetlands, and all for the purpose of reducing sediment loading to the stream. The project is located near the intersection of Brentwood Drive and Queenswood Drive in York Township, York County. Wetland impacts are de minimus and replacement is not required. Latitude: 39.941227°, Longitude: -76.689964°.

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

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

E4601223-028. 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: September 12, 2023.

To demolish and remove the existing houses, accessory structure, foundations, pads, and other site improvements and maintain as an open lawn ground with native trees and vegetation along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 205, 227, 249, and 253 Canal Street and 115 Store Street, Mont Clare (Collegeville PA, USGS Quadrangle, Latitude 40.129226, Longitude -75.495785, and Latitude 40.128522, Longitude -75.494011) in Upper Providence Township, Montgomery County. Latitude: 40.129226°, Longitude: -75.495785°.

EA1501223-002, WV1501223-007. 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: September 18, 2023.

Brandywine Red Clay Alliance is proposing to perform a stream restoration within the East Branch of Red Clay Creek (TSF-MF) associated with the East Doe Run Road Stream Restoration Project. This activity will result in 115 linear feet (225.9 square feet, 0.005 acre) of permanent watercourse impact due to the placement of toe boulders, root wads, bank stabilization and bank grading. Temporary impacts associated with this project include 751.5 linear feet (6,067.6 square feet, 0.139 acre) of temporary watercourse impact due to dewatering work areas and the construction of multiple temporary ford crossings for construction access, 54,573.6 square feet (1.253 acres) of temporary floodway impact and also includes a total of 3,110 square feet (0.071 acre) of temporary wetland impact. This project also includes a permanent equine ford stream crossing to be authorized under a separate DEP Chapter 105 permit and is located near East Doe Run Road in East Marlborough Township, Chester County (USGS PA Unionville Quadrangle). Latitude: 39.878437°, Longitude: -75.698252°.

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

Contact: D. J. Stevenson, 724-442-4281.

E6507223-013. Olympus Energy, LLC, Technology Drive, Suite 1200, Canonsburg, PA 15317, Washington Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 17, 2023.

Olympus Energy, LLC will install, operate, and maintain (2) 36" x 22" temporary floating intakes within the Beaver Run Reservoir and 1.1 miles of 16-inch diameter high density polyethylene (HDPE) temporary above-ground waterline to transport freshwater from the Beaver Run Reservoir to the Athena Well Pad: ESG17-129-0003. The intake screen (<3/16") and velocity rates (< 0.5 ftp) for each intake structure was designed to follow PFBC

recommendations. The withdrawal will be in accordance with Olympus's Water Management Plan (WMP-331797-5) Source No. 15.

The Project requires one temporary road crossing of the Beaver Run Reservoir floodway (§ 105 General Permit 8) and five utility line crossings and five temporary road crossings of streams and floodways with drainage areas of 100 acres or less (§ 105.12(a) Waiver 2).

<i>Impact Identifier</i>	<i>Authorization Type</i>	<i>Aquatic Resource Name</i>	<i>Resource Type</i>	<i>Area of Temporary Impact (acre)</i>	<i>Coordinates</i>
Proposed Temporary Intakes	Chapter 105 Joint Permit Application	Beaver Run Reservoir	HQ-CWF	0.001 (Reservoir) 0.011 (Floodway)	40.460219 -79.572466
					40.460222 -79.572467
Utility Line Crossing 1/ Temporary Road Crossing 1	Chapter 105 Waiver 2	UNT 4 to Trib 42979 to Thorn Run	HQ-CWF	0.001 (Stream) 0.119 (Floodway)	40.460318 -79.576371
Utility Line Crossing 2/ Temporary Road Crossing 2	Chapter 105 Waiver 2	UNT 3 to Trib 42979 to Thorn Run	HQ-CWF	0.001 (Stream) 0.124 (Floodway)	40.460333 -79.576751
Utility Line Crossing 3/ Temporary Road Crossing 3	Chapter 105 Waiver 2	UNT 5 to Trib 42979 to Thorn Run	HQ-CWF	0.001(Stream) 0.060 (Floodway)	40.460847 -79.578974
Utility Line Crossing 4/ Temporary Road Crossing 4	Chapter 105 Waiver 2	UNT 6 to Trib 42979 to Thorn Run	HQ-CWF	0.001 (Stream) 0.103 (Floodway)	40.461348 -79.580031
Utility Line Crossing 5/ Temporary Road Crossing 5	Chapter 105 Waiver 2	UNT 7 to Trib 42979 to Thorn Run	HQ-CWF	0.001 (Stream) 0.098 (Floodway)	40.463075 -79.582895
Temporary Road Crossing 10	Chapter 105 General Permit 8	Beaver Run Reservoir	HQ-CWF	0.048 (Floodway)	40.461693 -79.58075
Totals		Stream		0.006	
		Floodway		0.515	

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. Re-

sponses 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 # **ESCP #**

Applicant Name ESP076323001-00

Contact Person Karl Matz, (724) 873-3090

kmatz@rangeresources.com

Address 3000 Town Center Blvd.

City, State, Zip Canonsburg, PA 15323-5839

Township(s) Blaine Township

County **Washington County**

Receiving Stream(s) and Classification(s) Unnamed Tributaries to Buffalo Creek (HQ-CWF)

Application received: September 1, 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.

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>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0266728	CAFO Individual NPDES Permit	Issued	Springbrook Farm LLC 13233 Greenwood Road Huntingdon, PA 16652-5922	Jackson Township Huntingdon County	SCRO
PA450002D	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 827 Hausman Road Genn4 Allentown, PA 18104-9392	Chestnuthill Township Monroe County	NERO
PA630005D	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Somerset Township Washington County	SWRO
PA640002D	Chapter 102 Individual NPDES Permit	Issued	Kanani Ravi 1207 Clymer Lane P.O. Box 462 Pocono Pines, PA 18350	Salem Township Wayne County	NERO
PAD020072	Chapter 102 Individual NPDES Permit	Issued	Kennywood Entertainment LP 4800 Kennywood Boulevard West Mifflin, PA 15122-2316	West Mifflin Borough Allegheny County	SWRO
PAD140096	Chapter 102 Individual NPDES Permit	Issued	Penns Valley Area School District 4528 Penns Valley Road Spring Mills, PA 16875-8500	Penn Township Centre County	NCRO
PAD150296	Chapter 102 Individual NPDES Permit	Issued	Phoenixville Area School District 386 City Line Avenue Phoenixville, PA 19460-4457	East Pikeland Township Chester County	SERO
PAD150309	Chapter 102 Individual NPDES Permit	Issued	Northwestern Chester County Municipal Authority 5277 Horseshoe Pike P.O. Box 308 Honey Brook, PA 19344-1342	Honey Brook Township Chester County	SERO
PAD440024	Chapter 102 Individual NPDES Permit	Issued	Mid Atlantic Interstate Trans 217 Three Springs Drive Weirton, WV 26062-3814	Wayne Township Mifflin County	SCRO
PAD450183	Chapter 102 Individual NPDES Permit	Issued	Lts Homes LLC 805 Seven Bridge Road East Stroudsburg, PA 18301-7905	Hamilton Township Monroe County	NERO
PAD670035	Chapter 102 Individual NPDES Permit	Issued	PA DOT Engineering District 8 0 2140 Herr Street Harrisburg, PA 17103-1625	Manchester Township York County	SCRO
PAD670086	Chapter 102 Individual NPDES Permit	Issued	VFW Post 7012 123 W Main Street New Freedom, PA 17349-9706	New Freedom Borough York County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0276642	Industrial Stormwater Individual NPDES Permit	Issued	Gregory Packaging Inc. P.O. Box T Hellertown, PA 18055-0207	Bethlehem Township Northampton County	NERO
PAS128301	Industrial Stormwater Individual NPDES Permit	Issued	Post Consumer Brands Inc. 18746 Mill Street Meadville, PA 16335-3644	Vernon Township Crawford County	NWRO
0913870	Joint DEP/PFBC Pesticides Permit	Issued	Levy Larry 2891 Sugan Road Solebury, PA 18963	Solebury Township Bucks County	SERO
0913924	Joint DEP/PFBC Pesticides Permit	Issued	Brooks Edwin 144 Creek Road Chalfont, PA 18914-1525	New Britain Township Bucks County	SERO
2023811	Joint DEP/PFBC Pesticides Permit	Issued	Chris Bowes 21160 Erie Street Saegertown, PA 16433-5906	Sadsbury Township Crawford County	NWRO
PA0026832	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Ellwood City Lawrence County 525 Lawrence Avenue Ellwood City, PA 16117-8528	Ellwood City Borough Lawrence County	NWRO
PA0216941	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Forest Hills Municipal Authority Cambria County 900 Locust Street P.O. Box 337 Saint Michael, PA 15951-0337	Conemaugh Township Cambria County	SWRO
PA0023256	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Issued	Upper Gwynedd Township 1 Parkside Place North Wales, PA 19454-2526	Upper Gwynedd Township Montgomery County	SERO
PA0044431	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Fairfield Manor Inc. P.O. Box 17039 Pittsburgh, PA 15235-0039	Fairfield Township Westmoreland County	SWRO
PA0053970	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Martins Community LLC 25 Randy Lane Cochranville, PA 19330-1647	West Nottingham Township Chester County	SERO
PA0063321	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Ararat Township 1765 Ararat Road Thompson, PA 18465	Herrick Township Susquehanna County	NERO
PA0086673	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Marklesburg Borough Authority Huntingdon County P.O. Box 24 3322 Old Mountain Road Suite B James Creek, PA 16657-0024	Marklesburg Borough Huntingdon County	NERO
PA0210510	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Ohanna Rental Properties LLC 9201 State Road Cranesville, PA 16410-1613	Springfield Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0221007	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Volant Borough Lawrence County 525 Main Street Volant, PA 16156-7019	Volant Borough Lawrence County	NWRO
PA0023442	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Wrightsville Borough Municipal Authority York County 601 Water Street Wrightsville, PA 17368-1646	Wrightsville Borough York County	SCRO
PA0042048	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Conyngham Sugarloaf Joint Municipal Authority P.O. Box 469 Conyngham, PA 18219-0469	Sugarloaf Township Luzerne County	NERO
2223403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	TMI 2 Solutions LLC P.O. Box 480 Middletown, PA 17057-0480	Londonderry Township Dauphin County	SCRO
2593411	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Ohanna Rental Properties LLC 9201 State Road Cranesville, PA 16410-1613	Springfield Township Erie County	NWRO
2987401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Todd Township 2998 East Dutch Corner Road McConnellsburg, PA 17233	Todd Township Fulton County	SCRO
5701401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Davidson Township Municipal Authority 32 Michelle Road Sonestown, PA 17758-5358	Davidson Township Sullivan County	NCRO
NOEXNE054	No Exposure Certification	Issued	Miramar Copies Inc. 2637 N Racine Avenue Chicago, IL 60614-1248	Pottsville City Schuylkill County	NERO
NOEXNW209	No Exposure Certification	Issued	Burckhardt Compression US Inc. 488 Geesey Road Indiana, PA 15701	White Township Indiana County	NWRO
PAG030034	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Duie Pyle Inc. P.O. Box 564 650 Westtown Road West Chester, PA 19381-0564	West Goshen Township Chester County	SERO
PAG030102	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Warner Co. 1000 New Ford Mill Road Morrisville, PA 19067	Falls Township Bucks County	SERO
PAG030105	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Simsmetal East LLC 300 S Steel Road Morrisville, PA 19067	Falls Township Bucks County	SERO
PAG030136	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Richardsapex Inc. 4202-24 Main Street Philadelphia, PA 19127	Philadelphia City Philadelphia County	SERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG030162	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Simsmetal East LLC 300 S Steel Road Morrisville, PA 19067	Upper Merion Township Montgomery County	SERO
PAG030169	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Simsmetal East LLC 300 S Steel Road Morrisville, PA 19067	Falls Township Bucks County	SERO
PAG030219	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Duie Pyle Inc. P.O. Box 564 650 Westtown Road West Chester, PA 19381-0564	West Goshen Township Chester County	SERO
PAG030221	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fiba Tech Inc. 1645 State Street East Greenville, PA 18041-2220	East Greenville Borough Montgomery County	SERO
PAG030245	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Trans Fleet Concrete Inc. 168 E First Avenue P.O. Box 26483 Collegeville, PA 19426	Collegeville Borough Montgomery County	SERO
PAG030298	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	XPO Logistics Freight Inc. 2211 Old Earhart Road Suite 100 Ann Arbor, MI 48105-2963	Concord Township Delaware County	SERO
PAG032302	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Denaples Auto Parts Inc. 400 Mill Street Dunmore, PA 18512-2827	Dunmore Borough Lackawanna County	NERO
PAG032303	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management of PA Inc. 13 Peggy Parkway Dunmore, PA 18512-1712	Dunmore Borough Lackawanna County	NERO
PAG032325	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	J & J Stone Products Inc. 900 Glenwood Road Hop Bottom, PA 18824-7812	Lenox Township Susquehanna County	NERO
PAG033733	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	H & K Group Inc. 2052 Lucon Road Skippack, PA 19474-1467	Cumru Township Berks County	SCRO
PAG033743	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Aumillers Auto Parts Inc. 250 S River Road Halifax, PA 17032-9670	Halifax Township Dauphin County	SCRO
PAG033786	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	JLG Ind Inc. 1 JLG Drive McConnellsburg, PA 17233	Bedford Township Bedford County	SCRO
PAG033834	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Willert Manufacturing Co. LLC 447 Old Swede Road Douglassville, PA 19518-1238	Amity Township Berks County	SCRO
PAG033916	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	LKQ Northeast Inc. 269 River Road P.O. Box 97 York Haven, PA 17370-9009	Newberry Township York County	SCRO
PAG033929	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lippert Components Inc. 1658 Dry Tavern Road Denver, PA 17517-8920	Brecknock Township Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033934	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	JLG Ind Inc. 1 JLG Drive McConnellsburg, PA 17233	Bedford Township Bedford County	SCRO
PAG033962	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Consolidated Scrap Resources Inc. 120 Hokes Mill Road P.O. Box 7520 York, PA 17404-5505	Straban Township Adams County	SCRO
PAG034012	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Agsalt Proc 3740 Hanover Road Gettysburg, PA 17325-7971	Mount Pleasant Township Adams County	SCRO
PAG034056	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	DF Stauffer Biscuit Co. 360 S Belmont Street York, PA 17403-2616	Spring Garden Township York County	SCRO
PAG034057	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	York County Solid Waste & Refuse Authority 2700 Black Bridge Road York, PA 17406-7901	Manchester Township York County	SCRO
PAG034058	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Reading Precast Inc. 5494 Pottsville Pike Leesport, PA 19533-8645	Ontelaunee Township Berks County	SCRO
PAG034869	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Emporium Forging Co. Inc. 221 E 2nd Street Emporium, PA 15834-1306	Emporium Borough Cameron County	NCRO
PAG034993	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Clear Salvage LLC 2608 Carson Hill Road DuBois, PA 15801-4918	Brady Township Clearfield County	NCRO
PAG035016	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Northern Tier SWA 108 Steam Hollow Road Burlington, PA 18814-9001	West Burlington Township Bradford County	NCRO
PAG036159	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Chase Royston Corp 128 1st Street Blawnox, PA 15238-3223	Pittsburgh City Allegheny County	SWRO
PAG036161	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sprague Energy LLC 1045 W Chestnut Street Washington, PA 15301-4628	Greensburg City Westmoreland County	SWRO
PAG036194	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Retal PA LLC 55 S Washington Street Donora, PA 15033-1393	Donora Borough Washington County	SWRO
PAG036196	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	RGL Inc. 364 Patteson Drive P.O. Box 306 Morgantown, WV 26505-3202	Perry Township Greene County	SWRO
PAG036226	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Wheeling & Lake Erie Railway Co. 100 First Street SE Brewster, OH 44613	Green Tree Borough Allegheny County	SWRO
PAG036304	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Bullskin Tipple Co. 4325 State Route 51 Belle Vernon, PA 15012	Connellsville Township Fayette County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036364	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Szuch Jerry S 176 Flaugherty Run Road Coraopolis, PA 15108-9790	Center Township Beaver County	SWRO
PAG036365	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cleveland Bros Equip Co. 255 Berry Road Washington, PA 15301-2773	South Strabane Township Washington County	SWRO
PAG036516	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Johnson Matthey Inc. 605 Mountain View Drive Smithfield, PA 15478-1648	Georges Township Fayette County	SWRO
PAG038372	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ellwood Remelt Steel LLC 40 Furnace Street New Castle, PA 16101	New Castle City Lawrence County	NWRO
PAG048626	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Joy and Timothy Merrill 9712 Mitchell Road Union City, PA 16438-9764	Union Township Erie County	NWRO
PAG106232	PAG-10 NPDES General Permit for Hydrostatic Test Water	Issued	Eqm Gathering OPCO LLC 2200 Energy Drive Canonsburg, PA 15317-1000	Franklin Township Greene County	SWRO
PAG136368	PAG-13 NPDES General Permit for MS4s	Waived	Potter Township 206 Mowry Road Monaca, PA 15061-2224	Potter Township Beaver County	SWRO
4823402	Sewer Extensions Individual WQM Permit	Issued	Nazareth Borough Municipal Authority P.O. Box A Nazareth, PA 18064-0450	Lower Nazareth Township Northampton County	NERO
PA0239381	Single Residence STP Individual NPDES Permit	Issued	Keith and Kelly Greeley 680 Hilltop Drive Pittsfield, PA 16340-2616	Deerfield Township Warren County	NWRO
PA0239500	Single Residence STP Individual NPDES Permit	Issued	Rodgers Dillen 2200 Brickyard Road North East, PA 16428-2828	North East Township Erie County	NWRO
PA0264946	Single Residence STP Individual NPDES Permit	Issued	Reinhart Kaela 2108 Mercer Road Fredonia, PA 16124-1824	Delaware Township Mercer County	NWRO
PA0265012	Single Residence STP Individual NPDES Permit	Issued	Mirth Richard M 2550 Avis Drive Harborcreek, PA 16421-1450	Harborcreek Township Erie County	NWRO
PA0265632	Single Residence STP Individual NPDES Permit	Issued	Ortiz Palsa Theresa 243 Wagner Road Evans City, PA 16033	Forward Township Butler County	NWRO
PA0265799	Single Residence STP Individual NPDES Permit	Issued	Spence Randall W 1136 Bugtown Road Titusville, PA 16354	Southwest Township Warren County	NWRO
PA0271799	Single Residence STP Individual NPDES Permit	Issued	Hofmeister Randy 596 Allison Road Seneca, PA 16346-3016	Cranberry Township Venango County	NWRO
PA0288497	Single Residence STP Individual NPDES Permit	Issued	G Martin and Mary Patricia Woodard 33 W Methodist Road Greenville, PA 16125-9712	Hempfield Township Mercer County	NWRO
PA0290424	Single Residence STP Individual NPDES Permit	Issued	Pearce Saree 172 Kansas Branch Road Duke Center, PA 16729-9604	Otto Township McKean County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0291528	Single Residence STP Individual NPDES Permit	Issued	Richardson Marc 2570 Carlisle Road Gardners, PA 17324-9506	Menallen Township Adams County	SCRO
PA0293113	Single Residence STP Individual NPDES Permit	Issued	McCullough Travis 114 Lilac Lane Valencia, PA 16059-2214	Middlesex Township Butler County	NWRO
PA0295159	Single Residence STP Individual NPDES Permit	Issued	David and Laurie Hudson 4620 Bear Creek Road Fairview, PA 16415-2013	Fairview Township Erie County	NWRO
0122401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Richardson Marc 2570 Carlisle Road Gardners, PA 17324-9506	Menallen Township Adams County	SCRO
1020411	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Jade and Mark Tierney 414 McCalmont Road Renfrew, PA 16053-9636	Butler Township Butler County	NWRO
1023408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	McCullough Travis 114 Lilac Lane Valencia, PA 16059-2214	Middlesex Township Butler County	NWRO
2523419	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	David and Laurie Hudson 4620 Bear Creek Road Fairview, PA 16415-2013	Fairview Township Erie County	NWRO
2599418	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Joy and Timothy Merrill 9712 Mitchell Road Union City, PA 16438-9764	Union Township Erie County	NWRO
4222402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Pearce Saree 172 Kansas Branch Road Duke Center, PA 16729-9604	Otto Township McKean County	NWRO
4317403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Reinhart Kaela 2108 Mercer Road Fredonia, PA 16124-1824	Delaware Township Mercer County	NWRO
4320409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	G Martin and Mary Patricia Woodard 33 W Methodist Road Greenville, PA 16125-9712	Hempfield Township Mercer County	NWRO
5623400	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Portera Joseph 600 Hayden Boulevard Elizabeth, PA 15037-1600	Indian Lake Borough Somerset County	SWRO
6118403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Hofmeister Randy 596 Allison Road Seneca, PA 16346-3016	Cranberry Township Venango County	NWRO
6203418	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Keith and Kelly Greeley 680 Hilltop Drive Pittsfield, PA 16340-2616	Deerfield Township Warren County	NWRO
PA0222411	Small Flow Treatment Facility Individual NPDES Permit	Issued	Mary and Michael Alberti 22127 Quail Pond Place Ashburn, VA 20148-7124	Harborcreek Township Erie County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2597417	Small Flow Treatment Facility Individual WQM Permit	Issued	Mary and Michael Alberti 22127 Quail Pond Place Ashburn, VA 20148-7124	Harborcreek Township Erie County	NWRO
WQG018339	WQG-01 WQM General Permit	Issued	Rodgers Dillen 2200 Brickyard Road North East, PA 16428-2828	North East Township Erie County	NWRO

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

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400102	PAG-02 General Permit	Issued	Mark Luchi 79 Police Grove Road Drums, PA 18222	Butler Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC400282	PAG-02 General Permit	Issued	Valley Crest Real Estate, LP Robert Tamburro 1140 Route 315 Wilkes-Barre, PA 18711	Plains Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC560067	PAG-02 General Permit	Issued	Altesca, Inc. 119 East Saint James Street Tarboro, NC 27886	Shade Township Somerset County	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652 SWRO
PAC560081	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Berlin Borough Somerset County	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652 SWRO
PAC400086	PAG-02 General Permit	Issued	500 Sathers, LLC Stephen Maakestad 100 Baltimore Drive Wilkes-Barre, PA 18702	Pittston Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC460404	PAG-02 General Permit	Issued	Mikelen LLC 460 Norristown Road Suite 110 Blue Bell, PA 19422	Douglass Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@pa.gov
PAG30004C	PAG-02 General Permit	Issued	Golden Triangle Construction Company 8555 Old Steubenville Pike Imperial, PA 15126	Robinson Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360783	PAG-02 General Permit	Issued	Fenner Precision Polymers 311 West Stiegel Street Manheim, PA 17545	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717-299-5361 ext. 5
PAC360877	PAG-02 General Permit	Issued	Brent M. Risser 100 Clairmont Drive Willow Street, PA 17584	Pequea Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717-299-5361 ext. 5
PAC360367 A-14	PAG-02 General Permit	Issued	Houston Run Properties, LLC 1324 Main Street East Earl, PA 17519	Salisbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717-299-5361 ext. 5
PAC360783	PAG-02 General Permit	Issued	Smucker Associated, LP 2727 Old Philadelphia Pike Bird-in-Hand, PA 17505	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717-299-5361 ext. 5
PAC670648	PAG-02 General Permit	Issued	Douglas Rohrbaugh 180 Locust Lane Dillsburg, PA 17019	Monaghan Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670626	PAG-02 General Permit	Issued	15 Ore Road Owner LLC 2950 Lewisberry Road York, PA 17404	Carroll Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC600104	PAG-02 General Permit	Issued	Wildwood Rustics Elvin Zimmerman 212 Turkey Run Rd Mifflinburg, PA 17844	Buffalo Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
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
PAC410095	PAG-02 General Permit	Issued	West Phamaceutical Services 347 Oliver St Jersey Shore, PA 17740	Jersey Shore Borough Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC410096	PAG-02 General Permit	Issued	Famvest XVI Maynard Commons, LLC c/o Summit Reality Advisors 201 S. Maple Ave Suite 100 Ambler, PA 19002	City of Williamsport Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC410094	PAG-02 General Permit	Issued	South Williamsport Area School District 515 West Central Ave South Williamsport, PA 17702	South Williamsport Borough Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC410003	PAG-02 General Permit	Issued	Service First Federal Credit Union 1985 Montour Blvd Danville, PA 17821	Muncy Creek Township Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003

**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>
John Pfleeger 460 Gold Road Muncy, PA 17756	Northumberland County	371.1	724.66	Swine/ Cattle	NA	Approved
Lazy Hog Farm— Chris Hoffman 240 Long Hollow Lane Lewistown, PA 17044	Mifflin County	0	605.75	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Operation Permit No. 2400091, 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	August 15, 2023
Permit Issued	September 19, 2023
Description	Well Pump Replacement Barn Well Station (Overbrook Well No. 4)

Construction Permit No. 5423503, Major Amendment, Public Water Supply.

Applicant	Plum Creek Municipal Authority
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Address	686 Bernie Drive Auburn, PA 17922
Municipality	South Manheim Township
County	Schuylkill County
Consulting Engineer	Jamie D. Lorah. PE Spotts, Stevens & McCoy 1047 North Park Rd. Reading, PA 19610
Application Received	July 21, 2023
Permit Issued	September 22, 2023
Description	The project involves replacing the four (4) existing booster pumps including all necessary piping modifications and appurtenances including adding variable frequency drives because the existing pumps are at the end of their useful life.

Construction Permit No. 4523506MA, Minor Amendment, Public Water Supply.

Applicant	Brodhead Creek Regional Authority
Address	410 Mill Creek Road East Stroudsburg, PA 18301
Municipality	Stroud Township
County	Monroe County
Application Received	May 8, 2023
Permit Issued	September 20, 2023
Description	Frantz Road Tank Leak Repairs

Operation Permit No. 3396420, Public Water Supply.

Applicant	BlueTriton Brands, Inc.
Address	305 & 405 Nestle Way Breinigsville, PA 18031
Municipality	Upper Macungie Township
County	Lehigh County
Consulting Engineer	Edward E. Davis, Sr., P.E. Miller Bros. Construction, Inc. P.O. Box 472 Schuylkill Haven, PA 17972

Application Received	May 8, 2023
Permit Issued	July 27, 2023
Description	Permit-by-Rule—Operations— for new Distiller 2 at the Allentown West Plant. The bottled water system has complied with paragraphs (1)—(4) of Title 25 Chapter 109.1005(c) and is operating under the permit-by-rule.

Operation Permit No. 2350028, Public Water Supply.

Applicant	Clark Summit State Hospital
Address	1451 Hillside Drive Clarks Summit, PA 18411
Municipality	Newton Township
County	Lackawanna County

Consulting Engineer Joseph S. Durkin, P.E.
Reilly Associates
49 South Main Street
Pittston, PA 18640

Application Received March 2, 2023

Permit Issued May 8, 2023

Description Replacement of liner and floating cover at two finished water reservoirs

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

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

Construction Permit No. 1523520, Major Amendment, Public Water Supply.

Applicant **Lincoln Crest MHP**

Address P.O. Box 307
Lincoln Highway
Sadsburyville, PA 19369

Municipality Sadsbury Township

County **Chester County**

Consulting Engineer James A. Cieri
914 N. Mountain Road
Harrisburg, PA 17112

Application Received July 24, 2023

Permit Issued September 20, 2023

Description The equipment at each well-house will be disassembled and the connecting piping removed.

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 6170018. PWSID No. **6170018**. **Red Oak MHC LLC**, P.O. Box 275, Lake Hiawatha, NJ 07034, Sandy Township, **Clearfield County**. Application received: March 20, 2023. Permit Issued: September 19, 2023. Public water supply permit transfer no. 6170018 for operation. The following permits have been consolidated into one system-wide permit no. 6170018: PWS Permit No's. 1787501-T1, 1799501-T1, and MA-GWR.

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

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

Emergency Permit 0123504 E. PWSID No. **7010055**. **Legacy Eagle View, LLC**, 3200 US Hwy 27, Suite 206, Sebring, FL 33870, Berwick Township, **Adams County**. Application received: September 21, 2023. Permit Issued: September 21, 2023. Limited duration bulk water hauling emergency operation permit for the Eagle View Mobile Home Park water system. The emergency permit is valid through October 31, 2023.

Operation Permit 2221501. PWSID No. **7220044**. **Susquehanna Area Regional Airport Authority/Harrisburg International Airport**, One Terminal Drive, Suite 300, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**. Application received: September 11, 2023. Permit Issued: September 25, 2023. Partial operation permit for operation of granular acti-

vated carbon tanks 1—4, as well as equipment in previously approved partial operation permits associated with this permit.

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.

Emergency Permit 2623512-E. PWSID No. **5260009**. **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, Washington Township, **Fayette County**. Application received: September 18, 2023. Permit Issued: September 21, 2023. Rehabilitation of the 212,000-gallon Route 201 Tank.

NCWSA Construction Permit 4110078. PWSID No. **4110078**. **Lilly (53) DPP, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027, Washington Township, **Cambria County**. Application received: April 13, 2023. Permit Issued: September 22, 2023. New public water supply well and treatment for Dollar General Lilly Store.

Operation Permit 1122506MA. PWSID No. **4110024**. **Patton Borough**, 800 Fourth Street, Patton, PA 16668, Clearfield Township, **Cambria County**. Application received: August 14, 2023. Permit Issued: September 21, 2023. Gas chlorination system at the Patton Borough Water Treatment Facility.

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.

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

Contact: Thomas M. Randis, Clean Water Program Manager, 570-327-0530.

Plan Location:

Municipality	Address	County
Wayne Township	773 Pine Mountain Road (P.O. Box 217) McElhattan, PA 17748	Clinton County

Plan Description:

Act 537 Special Study for Wayne Township Municipal Authority Pump Station and Force Main Relocation, APS # 1052832. The plan calls for the Wayne Township Municipal Authority to design, construct, own and operate a relocated pump station and force main. The new force main will be run parallel to the north side of Landfill Lane, then divert east towards and then under the West Branch of the Susquehanna River, where it will run south of State Route 220 and tie into an existing manhole in Pine Creek Township. The sewage facilities abandoned as a result of this project shall be demolished and filled in.

Plan Location:

Municipality	Address	County
Boggs Township	1270 Runville Rd Bellefonte, PA 16823	Centre County

Plan Description:

TA Truck Plaza Sanitary Sewer Relocation, APS 1095147. The Minor Act 537 Plan Update Revision calls

for the replacement/relocation of approximately 650 linear feet of sanitary sewer collection line for the Travel Centers of America (T/A) Truck Plaza. The collection lines that are to be replaced/relocated need repair and are currently near or under existing buildings and/or the heating and ventilation equipment associated with those buildings. This proposal is estimated to have a \$442,000 project cost, and it will be funded out of the Mid-Centre County Authority's capital reserves. The Mid-Centre County Authority will continue to own, operate, and maintain the sewer facilities within the project area.

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

Contact: Cynthia Selby, Environmental Group Manager, 814-332-6643.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
City of Hermitage	800 North Hermitage Road Hermitage, PA 16148	Mercer County

Plan Description:

Act 537 Sewage Facilities Plan Special Study for South Neshannock, Virginia and Miller Roads, M6-23-057. The Special Study was prepared to evaluate the extension of public sewers to South Neshannock, Virginia, and Miller Roads to address a substantial number of malfunctioning on-lot sewage disposal systems within the project area. A low-pressure sewer system with grinder pumps is proposed to serve 93 EDUs. The proposed sewer extension will result in an additional 20,460 gpd of sewage to be treated at the Hermitage Municipal Authority Wastewater Treatment Facility. The review of this Special Study has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality of authority as appropriate.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
North East Township	10300 West Main Road North East, PA 16428	Erie County

Plan Description:

Lakeshore Sanitary Sewer Extension, M6-22-311. The Special Study provides for approximately 8,000 feet of low-pressure sewers to serve 20 new single-family dwelling lots located in the Edgewater Beach Community Subdivision, 46 additional existing dwellings and Beach Glass Estates located along Gay Road and East Lake Road, extending to the New York State Line. The review of the Special Study has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Cynthia Selby, Environmental Group Manager, 814-332-6643.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Bear Lake Borough	1232 Greely Street Bear Lake, PA 16402	Warren County

Plan Description:

Bear Lake Borough Act 537 Update Revision, M6-23-094. A 537 Update was submitted under a Consent Decree dated 9/21/2022 made between the Department and Bear Lake Borough requiring submission of an administratively complete Update Revision. The Update Revision would address the sewage disposal needs within the Borough. A 53% malfunction rate was documented through a survey, with an extended aeration plant chosen to address the malfunctioning on-lot sewage disposal systems. The plan failed to evaluate an adequate number of other alternatives, leaving the alternative of choice as being too costly to implement. In addition, adoption by the neighboring community where the plant was to be located was missing from the plan.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Indiana Borough	80 North 8th Street Indiana, PA 15701	Indiana County

Plan Description:

Marsh Run Sewer Interceptor Special Study, M6-23-210. The Special Study was submitted to provide for the complete replacement of the Marsh Run Interceptor and the sanitary sewer system tributary to it. The project, as submitted, was administratively incomplete. The plan summary did not identify alternatives to be evaluated, cost of plan implementation, municipal commitments necessary to implement the plan and a schedule for implementation were not included. Planning agency comments were not attached, the project was not published in a general circulation newspaper, consistency requirement inconsistencies were not addressed, and a UER was not included.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 2**

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the

remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

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

The Department has received the following plans and reports.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

R C Bowman Diesel Fuel Cleanup, Primary Facility ID # **860293**, Interstate 80 WB at MM 181.2, Mill Hall, PA 17751, Lamar Township, **Clinton County**. Enviro-Serve, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of R C Bowman, Inc., 7436 Nittany Valley Drive, Mill Hall, PA 17751, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Ward 2HC on the Ward BRA Pad, Primary Facility ID # **863166**, 1696 Peters Road, Troy, PA 16947, West Burlington Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Weaver's Hauling Diesel Spill Cleanup, Primary Facility ID # **867666**, SR 880 at intersection with SR 44, Jersey Shore, PA 17740, Limestone Township, **Lycoming County**. Bressler's Environmental Service, 2994 E Valley Road, Loganton, PA 17747, on behalf of Weaver's Hauling, 5387 Division Highway, East Earl, PA 17519, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

PA Tract A Access Road & Dry Run Road Release, Primary Facility ID # **866646**, 1362 Dry Run Road, Renovo, PA 17764, Chapman Township and Brown Township, **Clinton County** and **Lycoming County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of XTO Energy, Inc., 190 Thorn Hill Rd, Laceyville, PA 15086, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

Floydie BRA 22HC on the Floydie BRA Well Pad, Primary Facility ID # **864208** and **865313**, 896 Peet Hill

Road, Laceyville, PA 18823, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Principle Enterprises LLC Diesel Spill Cleanup, Primary Facility ID # **867648**, Intersection of Marcy Hill Rd & Route 220, Towanda, PA 18848, Monroe Township, **Bradford County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Principle Enterprises LLC, 2897 Route 414, Canton, PA 17724, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Wissler 4HX on the Wissler Unit Pad, Primary Facility ID # **869554**, 1894 Ellenton Road, Canton, PA 17724, McNett Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

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

selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

PA Tract A Access Road & Dry Run Road Release, Primary Facility ID # **866646**, 1362 Dry Run Road, Renovo, PA 17764, Chapman Township and Brown Township, **Clinton County** and **Lycoming County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of XTO Energy, Inc., 190 Thorn Hill Rd, Warrendale, PA 15086, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: September 14, 2023.

Weaver's Hauling Diesel Spill Cleanup, Primary Facility ID # **867666**, SR 880 at intersection with SR 44, Jersey Shore, PA 17740, Limestone Township, **Lycoming County**. Bressler's Environmental Service, 2994 E Valley Road, Loganton, PA 17747, on behalf of Weaver's Hauling, 5387 Division Highway, East Earl, PA 17519, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 19, 2023.

Former Howes Leather Corporation Site—Eastern Parcel, Primary Facility ID # **623654**, 45 Cooper Road, Curwensville, PA 16833, Curwensville Borough, **Clearfield County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16830, on behalf of Clearly Ahead Development, 139 W Market Street, Suite 200, Clearfield, PA 16830, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with former tannery sludge impoundment leachate. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: September 13, 2023.

R C Bowman Diesel Fuel Cleanup, Primary Facility ID # **860293**, Interstate 80 WB at MM 181.2, Mill Hall, PA 17751, Lamar Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of R C Bowman, Inc., 7436 Nittany Valley Drive, Mill Hall, PA 17751, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 25, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

Fox Well Pad, Primary Facility ID # **864838**, 187 Walters Road, Mehoopany, PA 18629, Mehoopany Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Cheasapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with lubricating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 21, 2023.

Bethlehem Village Shoppes-One Hour Express Dry Cleaners, Primary Facility ID # **781009**, 3650 Nazareth Pike, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. Earthres Group, 6912 Old Easton Road, Pipersville, PA 18974, on behalf of Bethlehem Village Associates, LP, 1525 Mulberry Circle, Warminster, PA 18974, submitted a Final Report concerning remediation of soil and groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the site-specific standards. Approved: September 25, 2023.

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

Contact: Ben, 814-350-5132.

E-09 Well Pad, Primary Facility ID # **868300**, 680 Mealy Ridge Road, Jones Township, PA 15870, Jones Township, **Elk County**. ARM Group LLC, 2548 Park Center Blvd, State College, PA 16801, on behalf of Seneca Resources Company, LLC, 2000 Westinghouse Drive, Suite 400, Cranberry Township, PA 16066, submitted a Final Report concerning remediation of soil contaminated with residential Statewide health standard: aluminum, barium, boron, chloride, iron, lithium, manganese, selenium, strontium, and zinc. Background Standard: vanadium. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: September 20, 2023.

Contact: Nick, 814-332-6978.

Former American Sterilizer Company, Primary Facility ID # **710910**, 2424 West 23 Street, Erie, PA 16506, Mill Creek Township, **Erie County**. Tetra Tech, 661 Andersen Drive, Pittsburgh, PA 15220, on behalf of Steris, 5960 Heisley Road, Mentor, OH 44060, submitted a Final Report concerning remediation of soil and groundwater contaminated with trichloroethylene, tetrachloroethene, cis 1-2 dichloroethene, and vinyl chloride. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 20, 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.

U-Haul of Lebanon, Primary Facility ID # **866241**, 1435 West Cumberland Street, Lebanon, PA 17042, City of Lebanon, **Lebanon County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of U-Haul Storage of Harrisburg, 914 Laurel Street, Lebanon, PA 17046, submitted a Final Report concerning remediation of soil contaminated with leaded gasoline petroleum target compounds. The Final Report

demonstrated attainment of the Statewide health standards. Approved: September 25, 2023.

Firestone Complete Auto Care, Primary Facility ID # **854162**, 200 South Hanover Street, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. BBJ Group, LLC, 651 Holiday Drive, Foster Plaza 5, Suite 400, Pittsburgh, PA 15220, on behalf of Bridgestone Retail Operations, LLC, 200 4th Avenue South, Nashville, TN 37201, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with chemicals associated with the storage of gasoline. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: September 26, 2023.

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 a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 1-717-787-7381.

Contact: Jason Dunham, Environmental Group Manager, 717-787-1982.

WMGR151. Cavalier Environmental Compliance Services, Inc., 482 Houses Corner Rd, Sparta, NJ 07871, Sparta Township, **Sussex County**. General Permit No. WMGR151 authorized the beneficial use of screenings from alternative fuel production from construction and demolition waste and industrial wood-based waste for use as a bulking agent prior to disposal of the bulked waste by landfilling or incineration. The modification to the WMGR151 base permit eliminated the language that limited the applicability of the permit to screenings of construction and demolition waste from the production of alternative fuels and allows for beneficial use of screenings from other construction and demolition waste processing facilities. Application received: March 28, 2023. Permit modification issued: September 14, 2023.

Persons interested in reviewing the permit may contact Jason Dunham, Environmental Group Manager, 1-717-787-1982, Central Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 1-717-787-7381. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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.

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

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

WMGR081-NE004. GER Solutions, LLC, 635 S. Tenth Street, Unit 600, Allentown, PA 18103, City of Allentown, **Lehigh County**. A determination of applicability for coverage under WMGR081 for the processing of electronic waste for beneficial reuse. Application received: July 19, 2022. Issued: September 22, 2023.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact 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.

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

Contact: Waste Management Program Manager.

100277. Westmoreland Sanitary Landfill, LLC, 111 Conner Lane, Belle Vernon, PA 15012, Rostraver Township, **Westmoreland County**. Renewal application of Solid Waste Permit No. 100277, which was originally issued for the Sanitary Landfill located at 111 Conner Lane, Belle Vernon, PA 15012. The application was deemed administratively complete by the Southwest Regional Office on 09/05/2023. Application received: August 1, 2023. Deemed administratively complete: September 5, 2023.

Persons interested in reviewing the permit may contact RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

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

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

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

GP3-08-386B: Insinger Excavating, Inc., 344 Kahni Hill Road, Dushore, PA 18614, West Burlington Township, **Bradford County**. The Department authorized the company to relocate and operate one (1) 360 tons per hour (TPH) 2010 model year Terex Pegson model XA400 portable crusher, one (1) 350 TPH 2012 model year Terex Pegson model 1300 Maxtrak portable crusher, one (1) 400 TPH 2011 model year Terex Pegson model XA400 portable crusher, one (1) 400 TPH 2020 model year Terex

Pegson model PT400 portable crusher, one (1) 500 TPH 2010 model year Terex Powerscreen Chieftain 2100 portable screener, one (1) 2500 TPH 018 model year Terex Powerscreen Warrior 2100 portable screener, one (1) 600 TPH 2022 model year MGL Engineering stacker, one (1) 600 TPH 2023 model year MGL Engineering stacker pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Ward Quarry. Application received: September 7, 2023. Authorized: September 25, 2023. Expiration date: September 24, 2028.

GP9-08-386B: Insinger Excavating, Inc., 344 Kahni Hill Road, Dushore, PA 18614, West Burlington Township, **Bradford County**. The Department authorized the company to relocate and operate one (1) 2010 model year 275 bhp Caterpillar model C9 diesel engine, one (1) 2012 model year 350 bhp Scania model DC13 diesel engine, one (1) 2011 model year 300 bhp Scania model DC9 diesel engine, one (1) 2020 model year 275 bhp Scania model DC09 084A diesel engine, one (1) 2010 model year 111 bhp Caterpillar model C4.4 diesel engine, one (1) 2018 model year 131 bhp Caterpillar model C4.4 diesel engine, two (2) 2022 model year 74 bhp FPT Industrial model F5HFL463*G diesel engines pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) to power portable non-metallic crushing and screening plants and stackers at the Ward Quarry. Application received: September 7, 2023. Authorized: September 25, 2023. Expiration date: September 24, 2028.

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

Contact: Mark J Wejkszner, Air Quality Program Manager.

AG5A-58-00063A: Coterra Energy, Inc., 200 Park Ln, Ste 300, Pittsburgh, PA 15275, Bridgewater Township, **Susquehanna County**. For the installation and operation of an IC engine with an oxidation catalyst at Halliday A Well Pad 1. Application received: September 21, 2023. Issued: September 26, 2023.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

GP3-39-008C: Northledge, LLC, 930 East Market Street, Bethlehem, PA 18017, Whitehall Township, **Lehigh County**. For the operation of a portable stone crushing plant at the facility located in Whitehall Township, Lehigh County. Application received: August 10, 2023. Issued: September 26, 2023

GP9-39-008C: Northledge, LLC, 930 East Market Street, Bethlehem, PA 18017, Whitehall Township, **Lehigh County**. For operation of diesel fired I.C Engines at the facility located in Whitehall Township, Lehigh County. Application received: August 10, 2023. Issued: September 26, 2023.

GP3-48-027A: Northledge, LLC, 930 East Market Street, Bethlehem, PA 18017, Lower Mount Bethel Township, **Northampton County**. For the operation of a portable stone crushing plant at the facility located in Lower Mt. Bethel Township, Northampton County. Application received: August 10, 2023. Issued: September 26, 2023.

GP9-48-027A: Northledge, LLC, 930 East Market Street, Bethlehem, PA 18017, Lower Mount Bethel Township, **Lehigh County**. For operation of diesel fired I.C Engines at the facility located in Lower Mount Bethel

Township, Northampton County. Application received: August 10, 2023. Issued: September 26, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

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

41-00092A: Heavenly Paws Pet Funeral Home and Crematory, LLC, 316 Rose St., Ste. 2, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. To construct and operate a Matthews Environmental Solutions model IEB-20 animal remains crematory incinerator at its facility. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 41-00092A, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. Application received: June 22, 2023. Issued: September 25, 2023.

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

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

67-05016I: Eagle Casting, LLC, 101 Philadelphia Street, Hanover, PA 17331, Hanover Borough, **York County**. For replacement of a Flex-Kleen bin vent collector on the Source 111 Silos with Airmatic dust cartridges as well as changes to the Group 006 CAM-related conditions necessitated by the new control device at the foundry. Application received: April 21, 2023. Issued: September 22, 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.

09-0251: Metals USA, 50 Cabot Blvd E, Langhorne, PA 19047-1802, Plumstead Township, **Bucks County**. This action is for an extension for the operation of two Peddinghaus Plate Processors to perform cutting (oxyfuel and plasma) activities on carbon steel workpieces at this facility. The plate processors are a source of PM and NO_x emissions, and each plate processor is controlled by a dust collector. Application received: September 14, 2023. Issued: September 20, 2023.

09-0027J: Fres-co System USA, Inc., 3005 State Rd, Telford, PA 18969-1021, West Rockhill Township, **Bucks County**. This is a Plan Approval Extension for the operation of a new Regenerative Thermal Oxidizer (RTO) on a laminator. Application received: August 3, 2023. Issued: September 20, 2023.

09-0216B: B Blair, Ginko Ind Park, 95 Louise Dr, Ivyland, PA 18974, Northampton Borough, **Bucks County**. This action is for a plan approval for the installation and operation of a portable crusher. Application received: March 29, 2023. Issued: September 20, 2023.

23-0225: Adelphia Pipeline/Marcus Hook, W Ridge Rd, Marcus Hook, PA 19061, Lower Chichester Township, **Delaware County**. This action is for the construction, operation, and maintenance of a new natural gas compressor station and metering station at this location. Application received: July 19, 2023. Issued: September 22, 2023.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

08-00010P: Global Tungsten & Powders Corp., 1 Hawes Street, Towanda, PA 18848, North Towanda Township, **Bradford County**. To extend the authorization to operate the sources pursuant to the plan approval from September 10, 2023 to March 8, 2024, at their Towanda Facility. The plan approval has been extended. Application received: August 16, 2023. Revised: September 10, 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.

24-00012K: GrafTech USA, LLC, 800 Theresia Street, Saint Marys, PA 15857-1832, City of Saint Marys, **Elk County**. Issued a plan approval extension to allow more time for stack testing. This is a Title V facility. This extension expires January 31, 2024. Application received: June 1, 2023. Issued: July 27, 2023.

24-00083W: Mersen USA GS Corporation, 215 Stackpole Street, Saint Marys, PA 15857-1832, City of Saint Marys, **Elk County**. Issued a plan approval extension to allow for additional time to re-do stack testing on Scrubber E—C406C at their facility. This is a Title V facility. This extension expires January 31, 2024. Application received: June 12, 2023. Issued: July 27, 2023.

24-00083AA: Mersen USA GS Corporation, 215 Stackpole Street, Saint Marys, PA 15857-1832, City of Saint Marys, **Elk County**. Issued a plan approval extension to allow more time for DEP review of the stack test report for their facility. This is a Title V facility. This extension expires January 31, 2024. Application received: June 12, 2023. Issued: July 27, 2023.

42-00249A: Highland Field Services—Seven Mile Minerals, 51 Zents Boulevard, Brookville, PA 15825, Sergeant Township, **McKean County**. Issued a plan approval extension to allow this newly constructed brine evaporation facility more time for shakedown and to conduct initial stack testing. This is a State Only facility. This extension expires January 31, 2024. Application received: June 16, 2023. Issued: July 27, 2023.

03-00179A: Leading Technologies Inc., 1153 Industrial Park Road, Leechburg, PA 15656, Parks Township, **Armstrong County**. Issued a plan approval extension to allow more time for DEP review of the stack test report for the facility. This is a State Only facility. This extension

expires January 31, 2024. Application received: June 7, 2023. Issued: July 27, 2023.

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

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.

35-00069: Lackawanna Energy Center, LLC, 1000 Sunnyside Road, Jessup, PA 18434, Jessup Borough, **Lackawanna County**. The Department issued the initial Title V Operating Permit for the operation of an electrical generation facility located in Jessup Borough, Lackawanna County. The Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements. Application received: July 10, 2020. Issued: August 2, 2023.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

27-00042: A & S Production, Inc., P.O. Box 189, Endeavor, PA 16322-0189, Hickory Township, **Forest County**. The Department issued a renewal State Only Natural Minor Operating Permit for the natural gas processing station. The facility's primary emission sources include: one (1) two-stroke lean-burn natural gas-fired engine (180 bhp), one (1) four-stroke rich burn natural gas-fired engine (145 bhp), a 700,000 scf/day TEG (triethylene glycol) natural gas dehydrator and its 0.06 mmBtu/hr reboiler, two (2) 7,800-gallon condensate storage tanks, and facility fugitives. The potential emissions of the primary pollutants from the facility are as follows: PM₁₀ and PM_{2.5}: 0.36 TPY, NO_x: 12.60 TPY, SO_x: 0.01 TPY, CO: 4.67 TPY, and VOC: 5.96 TPY; thus, the facility is a natural minor. The two engines are subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for stationary RICE, the TEG dehydrator is subject to 40 CFR Part 63, Subpart HH, NESHAP for natural gas production facilities, and the facility is subject to 40 CFR Part 60, Subpart KKK, NSPS for equipment leaks of VOC. Fugitive emission sources are subject to the newly promulgated regulations of 25 Pa. Code §§ 129.131—129.140, Control of VOC Emissions from Conventional Oil and Natural Gas Sources. The permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: July 20, 2022. Renewal issued: September 19, 2023.

25-00890: Burton Quinn Scott Cremation & Funeral Services, Inc., 602 W 10th St, Erie, PA 16502, City of Erie, **Erie County**. The Department renewed the State Only Operating Permit for the crematory owned

and operated by Burton Quinn Scott Cremation & Funeral Services, Inc. The facility is a Natural Minor. The conditions of the previous plan approvals and Operating Permit are incorporated into the permit renewal. The potential emissions from the facility are as follows: less than 1 tpy PM; 1.1 tpy NO_x; less than 1 tpy CO; less than 1 tpy VOC. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: August 1, 2022. Renewal issued: September 19, 2023.

33-00010: Humphrey Charcoal, P.O. Box 440, Brookville, PA 15825, Pine Creek Township, **Jefferson County**. The Department intends the renewal of a State Only Operating Permit for Humphrey Charcoal's charcoal briquette processing and bagging facility. The facility is a Natural Minor. The primary sources at the facility include a natural gas space heater, a natural gas boiler rated < 2.5 million Btu/hr, material stockpiles, material handling, charcoal briquette process, lump charcoal process, a natural gas briquette dryer, and bagging operations. Potential emissions from the facility are NO_x < 2 tpy; and PM < 1 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: August 23, 2022. Renewal issued: September 19, 2023.

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

Contact: Maryjoy Ulatowski, Chief, Source Registration, 215-685-9476.

OP21-000040: SEPTA—Allegheny Garage, 2700 Allegheny Avenue, Philadelphia, PA 19129, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal Natural Minor Operating Permit (NMOP) for the operation of transportation garage. The facility's major emission sources include: one 2.1 MMBtu/hr natural gas-fired boiler, two 8.37 MMBtu/hr dual-fuel fired boilers, two 0.6 MMBtu/hr natural gas fired heaters, one 235 HP natural gas fired emergency generator, and one gasoline dispensing facility. Application received: September 26, 2023. Issued: September 15, 2023.

OP22-000037: Roxborough Memorial Hospital, 5800 Ridge Avenue, Philadelphia, PA 19128, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal Synthetic Minor Operating Permit (SMOP) for the operation of a hospital. The facility's major emission sources include: one 16.329 MMBtu/hr dual-fuel fired boiler, one 16.738 MMBtu/hr dual-fuel fired boiler, one 100 HP diesel fired emergency generator, one 268 HP diesel fired emergency generator, and one 1193 HP diesel fired emergency generator. Application received: August 11, 2022. Issued: September 15, 2023.

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

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

21-03023: The AMES Company, Inc., 465 Railroad Avenue, Camp Hill, PA 17011-5611, Hampden Township,

Cumberland County. For the lawn and garden tool manufacturing facility. The State-Only permit was renewed. Application received: July 19, 2023. Issued: September 18, 2023.

44-03007: Hoenstine Funeral Home, Inc., 75 Logan Street, Lewistown, PA 17044-1860, Lewistown Borough, **Mifflin County**. For the human crematory unit at the funeral home. The State-Only permit was renewed. Application received: March 28, 2023. Issued: September 20, 2023.

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

36-03107: Cargill, Inc., 1088 East Main Street, Mount Joy, PA 17552-9332, Mount Joy Borough, **Lancaster County**. For the livestock feed mill. The State-Only permit was renewed. Application received: January 30, 2023. Issued: September 18, 2023.

06-03009: Bally Block Company, 30 South 7th Street, Bally, PA 19503-9665, Bally Borough, **Berks County**. For the wood countertop and accessory manufacturing facility. The State-Only permit was renewed. Application received: February 7, 2023. Issued: September 19, 2023.

36-05115: MGS, Inc., 178 Muddy Creek Church Road, Denver, PA 17517-9328, East Cocalico Township, **Lancaster County**. For the trailer chassis manufacturing operations. The State-Only permit was renewed. Application received: April 20, 2023. Issued: September 19, 2023.

06-03095: Direct LTx, 2561 Bernville Road, Reading, PA 19605-9611, Bern Township, **Berks County**. For their emergency generators at the data processing facility. The State-Only permit was renewed. Application received: April 11, 2023. Issued: September 25, 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.

09-00062: Oldcastle Infrastructure Plant, 514 Township Line Rd, Telford, PA 18969-3100, West Rockhill Township, **Bucks County**. This action is for the renewal of a Synthetic Minor Operating Permit for a concrete casting and coating facility. The facility is classified as a Synthetic Minor for Volatile Organic Compound (VOC) emissions and Hazardous Air Pollutant (HAP) emissions. Application received: February 28, 2023. Issued: September 25, 2023.

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

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

65-00914: Preform Specialties, Inc., 176 Cherry St., Blairsville, PA 15717, Derry Township, **Westmoreland County**. The Department issued a renewal natural minor State Only Operating Permit for a manufacturer of cemented tungsten carbide preforms (blanks) for automotive, aerospace, and wood working industries. The Operating Permit includes conditions relating to applicable

emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at the facility located in Derry Township, Westmoreland County. Application received: June 1, 2023. Permit issued: September 25, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

09-00084: Grand View Hospital, 700 Lawn Avenue, Sellersville, PA 18960, West Rockhill Township, **Bucks County**. This action is for an Administrative Amendment for the incorporation of the conditions of Plan Approval 09-0084B into the existing Synthetic Minor Operating Permit for this facility in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. Plan Approval 09-0084B authorized the following: installation of three (3) 2937 BHP diesel-fired Caterpillar Emergency Generator Model No. 3516C and replacement of the 9.9 MMBtu/hr burner on Boiler 4 (Source ID 034) with a 14.7 MMBtu/hr. Cleaver Brooks burner Model ProFire LNDLG-145-3 at the existing facility. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements. Application received: August 10, 2023. Issued: September 20, 2023.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

28-03069: Advanced Pellet Technologies, LLC, 2 E 6th St, Waynesboro, PA 17268, Waynesboro Borough, **Franklin County**. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.069 tpy PM₁₀ resulting from the installation of a new bulk material feed system at the pellet plant. The new feed line will have a maximum throughput of 5 tpy and will consist of an outdoor bulk storage pile (in concrete containment area with hoop-style roof), an indoor bulk feed hopper, and discharge screw. The outdoor bulk storage will be wetted. The indoor transfer points will be controlled by the existing Sly Dust Collector (Control ID C102). The line is being installed to allow the plant to feed higher moisture content material into the process than is currently capable. This change will not increase throughput capacity of any downstream equipment. The Department hereby approves the De Minimis emission increase. As required by 25 Pa. Code § 127.449(i), it is confirmed that there have been no De Minimis emission increases at the facility since their natural minor Operating Permit issuance on May 7, 2021. The expected emission increase from this project is 0.069 tpy PM₁₀.

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

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

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

Mining Permit No. 56140702. NPDES No. PA0236306. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Shade Township, **Somerset County**. To revise the NPDES permit to revise outfall 001 TDS Effluent limits. Application received: April 12, 2023. Accepted: April 12, 2023. Issued: July 11, 2023.

Mining Permit No. 56140702. NPDES PA0236306. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Shade Township, **Somerset County**. To revise the permit and related NPDES permit to add beneficial use of coal ash to the permitted coal refuse disposal site. Application received: May 9, 2022. Accepted: May 9, 2022. Issued: September 13, 2023.

Mining Permit No. 30841307. NPDES No. PA0213438. Iron Emerald, LLC, 200 Evergreene Drive, P.O. Box 1020, Waynesburg, PA 15370, Franklin Township, **Greene County**. To revise the permit and related NPDES permit to delete permitted area as a result of oil and gas development by EQT Production Company and Franklin Township taking over portion of access road, now Township Road 737; affecting -21.77 surface acre. Application received: May 18, 2022. Accepted: July 22, 2022. Issued: September 21, 2023.

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

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

Mining Permit No. 56160101. NPDES No. PA0279510. Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963, Paint Township, **Somerset County**. Permit renewal of a bituminous surface and auger mine affecting 159.2 acres. Receiving streams: Weaver Run to Seese Run to Paint Creek/Stonycreek

Watershed, classified for the following use: CWF. Application received: July 20, 2022. Renewal issued: September 26, 2023.

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

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

Mining Permit No. 10970105. NPDES No. PA0227625. State Industries, Inc., P.O. Box 1022, Kittanning, PA 16201, Concord Township, Fairview Township, **Butler County**. Renewal of an existing bituminous surface mine and associated NPDES permit. Application received: April 10, 2023. Issued: September 25, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. GFCC No. 17-23-02. NPDES No. PA0270032. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Government Financed Construction Contract issued for reclamation of approximately 27.7 acres of abandoned mine lands. Receiving streams: Unnamed tributary to Lick Run; unnamed tributary to Moose Run classified for the following use(s): HQ—CWF, CWF. Application received: February 17, 2023. Issued: September 15, 2023.

Mining Permit No. GFCC No. 17-23-01. NPDES No. PA0270024. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, Chest Township, **Clearfield County**. The Moshannon District Mining Office has awarded a GFCC Government Financed Construction Contract to RES Coal LLC on a 52.0 acre site. The associated NPDES permit for water handling and erosion & sedimentation control within the reclamation project area was also approved. The project includes the reclamation of 2,550 ft of abandoned highwall and reclamation of 17.0 acres of abandoned mine lands. The project area drains to unnamed tributaries to North Camp Run. Application received: November 18, 2022. Issued: September 21, 2023.

Noncoal Permits

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

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

Mining Permit No. 20232801. Elden L. Miller, 36867 Riceville Road, Centerville, PA 16404, Bloomfield Township, **Crawford County**. Commencement, operation and restoration of a small industrial minerals mine. Application received: April 21, 2023. Issued: September 20, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17030112. NPDES No. PA0243566. Clearfield Properties, Inc., 2151 Lisbon Road, Kennerdell, PA 16374, Chest Township, **Clearfield County**. Modification of an NPDES permit for a coal surface mining site affecting 103.7 acres. Modification to update E&S controls to be consistent with proposed new GFCC permit adjacent to North Camp Run Mine. Receiving stream(s): Unnamed Tributaries to North Camp Run to Chest Creek classified for the following use(s): CWF. Application received: February 16, 2023. Issued: September 21, 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. 09234109. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, Richland Township, **Bucks County**. Construction blasting for Steeple Run. Application received: September 12, 2023. Permit issued: September 20, 2023. Expiration date: October 1, 2024.

Permit No. 46234104. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, Upper Providence Township, **Montgomery County**. Construction blasting for MLV Development. Application received: September 20, 2023. Permit issued: September 25, 2023. Expiration date: October 1, 2024.

Permit No. 67234111. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Manchester Township, **York County**. Construction blasting for Manchester Commerce Center Warehouse. Application received: September 8, 2023. Permit issued: September 25, 2023. Expiration date: September 8, 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.

E3902223-001. City of Allentown, 435 W. Hamilton Street, Allentown, PA 18103, City of Allentown, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a 55-foot long, 25-foot wide, 14.5-foot high pole building having no side walls and consisting of twenty (20) 6-inch diameter support poles constituting 17 ft³ of net fill within the floodway of the Little Lehigh Creek (HQ—CWF, MF). The project is located at the intersection of South Franklin Street and Martin Luther King Jr. Drive (Allentown East, PA Quadrangle Latitude: 40°, 35', 29.72"; Longitude: -75°, 28', 57.42") in City of Allentown, Lehigh County. Latitude: 40°, 35', 29.72", Longitude: -75°, 28', 57.42". Application received: February 21, 2023. Issued: September 21, 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.

E1501223-002. Somerset Lake Service Corporation, P.O. Box 7368, Wilmington, DE 19803, New Garden Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To shift the thalweg to its historic alignment for a portion of Broad Run Creek to reduce streambank erosion, and to stabilize the stream bank within the floodway of Broad Run Creek (CWF). Water obstruction and encroachment activities are as follows: To add 40 cubic yards of riprap stabilization to both sides of the channel over a distance of approximately 50 feet. Accumulated materials on unvegetated gravel bars will be removed from the streambed over a length of approximately 50 feet and width of approximately 10 feet and deposited along the west streambank. Approximately 25 to 35 cubic yards of excavated materials will be added to the western bank to stabilize the eroded toe of the slope. Proposed work results in 500 sq ft (0.01 acre) of permanent stream and floodway impacts. Latitude: 39.783538°, Longitude: -75.741878°. Application received: January 18, 2023. Permit issued: September 21, 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-EPEASTERNOPRG@pa.gov.

ESCGP # 3 ESG295823011-00

Applicant Name **Coterra Energy Inc.**

Contact Person Kenneth Marcum

Address 2000 Park Lane, Suite 300

City, State, Zip Pittsburgh, PA 15275-1121

Township(s) Middletown Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) Unnamed Tributary to Middle Branch Wyalusing Creek (CWF, MF)

Application received: May 17, 2023

Issued: September 21, 2023

ESCGP # 3 ESG295923018-00

Applicant Name **Repsol Oil & Gas USA LLC**

Contact Person Jonathon Fronk

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845-1008

Township(s) Covington Township and Sullivan Township

County **Tioga County**

Receiving Stream(s) and Classification(s) Canoe Camp Creek (CWF)

Application received: August 24, 2023

Issued: September 22, 2023

ESCGP # 3 ESG295823017-00

Applicant Name **Chesapeake Appalachia LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Auburn Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) Tuscarora Creek (CWF, MF), S-JLK-069 (CWF, MF), S-MAB-055 (CWF, MF)

Application received: June 23, 2023

Issued: September 25, 2023

Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kate Hogue Clerical Supervisor 814-332-6868.

ESCGP # 3 ESG070423004-00

Applicant Name **Range Resources-Appalachia, LLC**
 Contact Person Karl Matz
 Address 3000 Town Center Blvd
 City, State, Zip Canonsburg, PA 15317
 Township(s) Hanover Township
 County **Beaver County**
 Receiving Stream(s) and Classification(s) UNT to Little Traverse Creek (WWF)
 Application received: May 12, 2023
 Approved: September 25, 2023

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

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCP # ESX171250039-01

Applicant Name **Markwest Liberty Midstream & Resources LLC—Schultz Pipeline**
 Contact Person Brian Elliott, (724) 873-2893
 bmelliott@marathonpetroleum.com
 Address 0.25 mile east of the intersection between Galati Rd and Primrose Rd
 City, State, Zip McDonald, PA 15057
 Township(s) Cecil Township, Mount Pleasant Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) UNTs to Millers Run Ch 93 class WWF (Siltation-impaired)
 Application received: August 15, 2023
 Issued: September 22, 2023

ESCGP # 3 ESG070223006-00

Applicant Name **Hyperion Midstream LLC**
 Contact Person Brian Dillemoth, (724) 754-0110
 bdillemoth@olympusenergy.com
 Address 0.1 mile North of Bairdford Road and Kaufman Road
 City, State, Zip Gibsonia, PA 15044
 Township(s) West Deer Township
 County **Allegheny County**
 Receiving Stream(s) and Classification(s) 001. Latitude 40.6400, Longitude -79.88511, Trib 42337 of Dawson Run, Ch 93 class CWF 002. Latitude 40.63758, Longitude -79.89077, Trib 42336 to Dawson Run, Ch 93 class CWF 003. Latitude 40.63498, Longitude -79.89095, Dawson Run, Ch 93 Class CWF 004. Latitude 40.63451, Longitude -79.88951, Trib 42335 to Dawson Run, Ch 93 Class CWF

Application received: July 14, 2023

Issued: September 26, 2023

**CORRECTIVE ACTION
 UNDER ACT 32, 1989**

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site character-

ization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Just Furniture, Storage Tank Facility ID # **48-98313**, 2499 Northampton Street, Easton, PA 18945, Palmer Township, **Northampton County**. Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330, on behalf of 25th and Northampton Streets Associates, LP, 283 Second Street Pike, Suite 110, Southampton, PA 18966 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting Statewide health standards.

**CORRECTIVE ACTION
 UNDER ACT 32, 1989**

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the

basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

DEP has received the following plans and reports.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Lewisburg Terminal 0000-1306, Storage Tank Facility ID # **60-22710**, 2002 West Market Street, Lewisburg, PA 17837, East Buffalo Township, **Union County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Terminal Operations, a series of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, PA 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report nonresidential did not demonstrate attainment of the site-specific standards and was disapproved by DEP on September 7, 2023.

Kratzer Oil Shamokin Dam, Storage Tank Facility ID # **55-24517**, 2986 N Susquehanna Trail, Shamokin Dam, PA 17876, Shamokin Dam Borough, **Snyder County**. Gary C. Calvert LLC, 513 Allegheny Street, Suite 1, Hollidaysburg, PA 16648, on behalf of Kratzer Oil Company, 150 East Drive, Sunbury, PA 17801 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on September 25, 2023.

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

Contact: Nick, 814-332-6978.

Country Fair 64, Storage Tank Facility ID # **42-91548**, 8 West Washington Street, Bradford, PA 16701, City of Bradford, **McKean County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Unleaded Gasoline. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on September 20, 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.

Plumstead Pointe, Storage Tank Facility ID # **09-43359**, 4095 Ferry Rd., Plumstead, PA 18901, Plumstead Township, **Bucks County**. Environmental Maintenance Company, 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of J&J Investments, LLC, 1510 Swamp Road, Doylestown, PA 18902 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The combined plan and report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on September 22, 2023.

SPECIAL NOTICES

WATER PROGRAMS

Public hearing to accept additional comments on the documentation and plans associated with the Individual NPDES Permit Application No. PAD480178.

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

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

On June 17, 2022, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the River Pointe Logistics Center Mount Bethel, PA in Upper Mount Bethel Township, **Northampton County**. The application was deemed administratively complete on October 11, 2022. Written public comments were received during the public comment period. Also, on June 14, 2023, PA DEP received a Water Obstruction and Encroachment Joint Permit Application for the same project and was deemed administratively complete on September 25, 2023.

The Department will hold a public hearing to accept additional comments on the documentation and plans associated with the Individual NPDES Permit Application No. PAD480178 for the discharge of stormwater from construction activities to the following receiving water-courses and Water Obstruction and Encroachment Joint Permit Application No. E48022223-003:

UNT to Delaware River (CWF, MF); UNT to Allegheny Creek (CWF, MF); Other wetlands & EV Wetlands

The applicant is as follows:

River Pointe Logistics Center, LLC, 559 Main Street, Suite 300, Bethlehem, PA 18018-5862

Contact: Louis Pektor III, River Pointe Logistics Center, LLC

The public hearing will be conducted on Monday, November 13th from 6:00—9:00pm at the Bangor Area High School Theater located at 187 Five Points Richmond Road, Bangor, PA 18013. Representatives from the Department's Waterways & Wetlands Program, the Northampton County Conservation District and River Pointe Logistics Center, LLC 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. PAD480178 documenta-

tion 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 Northampton County Conservation District Office, 14 Gracedale Ave, Nazareth, PA 18064 at 610-829-6276 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.

Comment Period Extension—Application for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4802, email: RA-EPWW-SCRO@pa.gov.

Contact: Waterways & Wetlands Program.

This notice is provided in accordance with 25 Pa. Code Chapter 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 permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Stormwater Management, and Construction Stormwater Programs).

In Volume 53, Issue 32, 53 Pa.B. 5009 of the *Pennsylvania Bulletin*, the Department of Environmental Protection (DEP) previously noticed the application and tentative decision to deny the application for an Individual NPDES Permit for the applicant named as follows to authorize discharges of stormwater associated with construction activities from the project site named as follows to surface waters of the Commonwealth.

Applicant: **Duke Realty Limited Partnership**

Applicant Address: 161 Washington Street, Suite 1020, Conshohocken, PA 19428

Application Number: PAD060065

Project Site Name: **Valley Logistics Park**

Project Site Address: NW corner of the Kutztown Road and Long Lane Intersection, Kutztown, PA 19530

Municipality/County: Maxatawny Township, Kutztown Borough, Berks County

Total Earth Disturbance Area: 248 acres

Surface Waters Receiving Stormwater Discharges: UNTs to Mill Creek (TSF, MF), Sacony Creek (TSF, MF), UNTs to Sacony Creek (TSF, MF), UNT to Sacony Creek (CWF, MF) and EV Wetlands.

Project Description: Construct two warehouses, parking, trailer storage, public water supply well and pump house, and realignment of Hottenstein and Hilltop Road, and roadway improvements along SR 222 and SR 737.

DEP received a request to extend the comment period for this application and notice of intent to deny the permit for an additional 15-day period. In accordance with 25 Pa. Code Chapter 92a.82(d), on September 26, 2023, DEP approved the 15-day extension of the comment period. Interested persons may submit written comments to DEP at the previously listed address for DEP's consideration in taking a final action on the permit application. Written comments for this application, draft permit, and notice of intent to deny the permit will be accepted through October 10, 2023.

[Pa.B. Doc. No. 23-1364. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Comment Meeting on the Interim-Final Environmental Justice Policy and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document Public Comment Meeting; Location Change for October 16, 2023, Meeting

The Office of Environmental Justice's public comment meeting on the Interim-Final Environmental Justice Policy (015-0501-002) and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document (015-0501-003), is scheduled for October 16, 2023, to be held from 6 p.m. to 8 p.m. The public comment meeting, previously scheduled at the University of Scranton, 100 Linden Street, Room 133, will take place at the University of Scranton, Loyola Science Center, 200 Monroe Avenue, Scranton, PA 18510. Persons wishing to reserve time to present testimony at a meeting must contact Jennifer McLuckie at (717) 772-5633 or RA-EPOEJ@pa.gov at least 24 hours in advance of the hearing.

Information on how to access the virtual public comment meeting and additional information on the in-person comment meeting will be available on the Environmental Justice webpage and found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov/EJPolicyRevision. Prior to each meeting, individuals are encouraged to visit the Environmental Justice webpage for the most current information for accessing each meeting.

Individuals wishing to observe the public comment meetings without providing testimony are also encouraged to access the Environmental Justice webpage and register in advance to ensure there is adequate space for both the virtual and in-person comment meetings. If time allows, attendees who haven't previously registered will be allowed to testify.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact (717) 772-5633 or through the Pennsylvania Hamil-

ton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1365. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Prearrest and Evidential Breath Testing Devices

The Department of Health (Department) has statutory authority to approve both prearrest and evidential breath testing devices for use by law enforcement officials to determine the alcohol content of blood by analysis of a person's breath. This notice contains the combined approved lists of prearrest breath testing devices and evidential breath testing devices.

Prearrest Breath Testing Devices

The Department approves prearrest breath testing devices as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). Authority to promulgate these regulations is contained in the Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol) and section 2102(g) of The Administrative Code of 1929 (71 P.S. § 532(g)).

Prearrest breath testing devices approved under this authority may be used by police officers, waterways patrolmen and officers enforcing the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code in conducting preliminary determinations of the alcohol content of blood of persons suspected of driving, boating, hunting or furtaking while under the influence of alcohol. Officers and patrolmen use these devices to assist them in determining whether or not a person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) or for any other criminal offense under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code which involves operating a vehicle or boat, hunting or furtaking while under the influence of alcohol.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices to measure alcohol content. The NHTSA established these specifications to support state laws and the United States Department of Transportation's workplace alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the

prearrest testing of a person's breath to determine the alcohol content of the person's blood.

The NHTSA published its first Conforming Products List (CPL) for screening devices at 59 FR 61923 (December 2, 1994), with corrections at 59 FR 65128 (December 16, 1994), identifying the devices that meet the NHTSA's Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids. Thereafter, the NHTSA updated the CPL at 60 FR 42214 (August 15, 1995), 66 FR 22639 (May 4, 2001), 70 FR 54972 (September 19, 2005), with corrections at 70 FR 72502 (December 5, 2005) and 72 FR 4559 (January 31, 2007).

The NHTSA published revised Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 73 FR 16956 (March 31, 2008). These specifications removed from use interpretive screening devices (ISD) because ISDs did not provide an unambiguous test result. These specifications also removed from use the Breath Alcohol Sample Simulator as it is not necessary for testing breath alcohol screening devices. All other performance criteria and test methods were maintained. The NHTSA published an additional update to the CPL at 74 FR 66398 (December 15, 2009). The current list was published at 77 FR 35745 (June 14, 2012).

Evidential Breath Testing Devices

The Department approves evidential breath testing devices under the authority of the Vehicle Code (75 Pa.C.S. § 1547(c)(1)), the Fish and Boat Code (30 Pa.C.S. § 5125(c)(1)) and the Game and Wildlife Code (34 Pa.C.S. § 2502(c)).

Evidential breath testing devices approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 or any other violation of the Vehicle Code arising out of the same action or 30 Pa.C.S. § 5502 or any other violation of the Fish and Boat Code arising out of the same action or 34 Pa.C.S. § 2501 or any other violation of the Game and Wildlife Code arising out of the same action.

The NHTSA published the Standards for Devices to Measure Breath Alcohol at 38 FR 30459 (November 5, 1973). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued at 39 FR 41399 (November 21, 1974).

The NHTSA converted the Standards for Devices to Measure Breath Alcohol to Model Specifications for Evidential Breath Testing Devices (Model Specifications) and published a CPL of instruments that were found to conform to the Model Specifications as Appendix D to that notice at 49 FR 48854 (December 14, 1984).

The NHTSA published a notice to amend the Model Specifications at 58 FR 48705 (September 17, 1993) and to update the CPL. That notice changed the alcohol concentration levels at which instruments are evaluated for precision and accuracy, from 0.000, 0.050, 0.101 and 0.151 BAC, to 0.000, 0.020, 0.040, 0.080 and 0.160 BAC, respectively. It also included a test for the presence of acetone and an expanded definition of alcohol to include other low molecular weight alcohols, for example, methyl or isopropyl. Since that time, the CPL has been annotated to indicate which instruments have been determined to meet the Model Specifications published in 1984 and which have been determined to meet the Model Specifications, as revised and published in 1993.

Thereafter, the NHTSA has periodically updated the CPL with those breath instruments found to conform to the Model Specifications.

The NHTSA published an additional update to the CPL at 77 FR 35747 (June 14, 2012) for instruments that conform to the Model Specifications for Evidential Breath Alcohol Measurement Devices at 58 FR 48705 (September 17, 1993). The Department's list of evidential breath testing devices contains updates to the CPL published at 77 FR 35747 (June 14, 2012) for instruments that conform to the Model Specifications for Evidential Breath Alcohol Measurement Devices at 58 FR 48705 (September 17, 1993). This current list was published at 82 FR 50940 (November 2, 2017).

Instruments marked with an asterisk (*) meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at 0.000, 0.050, 0.101 and 0.151 BAC). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993) and were tested at BACs = 0.000, 0.020, 0.040, 0.080 and 0.160. All instruments that meet the Model Specifications currently in effect (dated September 17, 1993) also meet the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

The NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (that is, mobile equipment). Most equipment on the following list is approved for mobile and nonmobile operation. The instruments on the list not marked with an asterisk meet the specifications for use as prearrest or evidentiary breath testing devices. The instruments on the list marked with an asterisk may be used as evidentiary devices for blood alcohol concentrations at or above 0.050%. These instruments may also be used as prearrest breath testing devices if they are approved for mobile operations. However, these instruments may not be used for making arrests under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code where blood alcohol concentrations below 0.050% must be determined. Nonmobile devices can only be used as evidentiary testing instruments since they are not portable. Before purchasing breath testing devices, law enforcement officials should consult with the manufacturer of the equipment they intend to purchase to verify that the devices can be used for their intended purposes.

The update to the CPL published at 82 FR 50940 (November 2, 2017) adds 12 new instruments that have been evaluated and found to conform to the Model Specifications, as amended on September 17, 1993, for mobile and nonmobile use. One instrument is distributed by two different companies, so it has been listed twice. One manufacturer changed their legal name. One manufacturer added a new product option for USB and Ethernet connectivity. One manufacturer added a Bluetooth keyboard accessory to two devices and a calibration accessory for seven of its devices. These devices were found to conform with or without the accessories. Another seven instruments are now being listed under a different distributor/manufacturer and those devices will be cross-referenced for legacy purposes. In alphabetical order by company, the new devices are:

(1) The "AlcoMate TS600" distributed by AK GlobalTech Corporation, Palisades Park, NJ. This device will be known as the Alcoscan ALP—1 outside of the United States. The AlcoMate TS600 is a hand-held device

with an electrochemical (EC) fuel cell sensor. This device is powered by internal batteries and is intended for mobile or stationary operations.

(2) The "Intoxilyzer 500" manufactured by CMI, Inc., Owensboro, KY. This instrument is currently listed on the CPL for Alcohol Screening Devices and will be removed when that CPL is updated. Improvements to the device's sampling system allow it to conform as an Evidential Breath Tester (EBT). It is a hand-held instrument intended for use in mobile or stationary operations. It uses a fuel cell sensor and is powered by an internal battery. The Intoxilyzer 500 is also distributed as the Lion Alcolmeter 500 by Lion Laboratories outside the United States, so it has been listed twice on the CPL, once under each of its distributors/manufacturers.

(3) The "Intoxilyzer 9000" manufactured by CMI, Inc., Owensboro, KY. This is a bench-top device that is intended for use in mobile or stationary operations. This device uses an infrared (IR) sensor to measure ethanol concentration. The Intoxilyzer 9000 can be powered by either 110 volts alternate current (AC) or 12 volts direct current (DC).

(4) The "Alcotest 3820" manufactured by Draeger, Inc., Irving, TX. The Alcotest 3820 is a hand-held device that uses an EC fuel cell sensor to measure ethanol concentration. This instrument is powered by internal batteries and is intended for use in stationary or mobile operations.

(5) The "Alcotest 5510" manufactured by Draeger, Inc., Irving, TX. The Alcotest 5510 is a hand-held device that uses an EC fuel cell sensor to measure ethanol. This device is powered by internal batteries and is intended for use in mobile or stationary operations.

(6) The "Alcotest 5820" manufactured by Draeger, Inc., Irving, TX. The Alcotest 5820 is a hand-held device that uses an EC fuel cell sensor to measure ethanol. This device is powered by internal batteries and is intended for use in mobile or stationary operations.

(7) The "Alcotest 6820" manufactured by Draeger, Inc., Irving, TX. The Alcotest 6820 is a hand-held device that uses an EC fuel cell sensor to measure ethanol. This device is powered by internal batteries and is intended for use in mobile or stationary operations.

(8) The "AlcoQuant 6020 Plus" manufactured by EnviteC, Wismar, Germany and distributed by Honeywell GmbH, Fond du Lac, WI. The AlcoQuant 6020 Plus is a hand-held device with a fuel cell sensor. This device is powered by internal batteries and is intended for use in mobile and stationary operations.

(9) The Alco-Sensor FST manufactured by Intoximeters, Inc., Saint Louis, MO. The Alco-Sensor FST is a hand-held EBT that uses an EC fuel cell sensor to measure ethanol concentration. This instrument is powered by internal batteries and is intended for use in stationary or mobile operations.

(10) The Intox DMT Dual Sensor manufactured by Intoximeters, Inc., Saint Louis, MO. The Intox DMT Dual Sensor is a bench-top EBT that is intended for use in stationary or mobile operations. This device uses both an IR sensor and an EC fuel cell sensor. The Intox DMT Dual Sensor can be powered by either 110 volts AC or 12 volts DC.

(11) The "Intox EC/IR II.t" manufactured by Intoximeters, Inc., Saint Louis, MO. This is a benchtop device intended for use in mobile or stationary operations. This device uses both an EC fuel cell sensor and an IR

sensor to measure ethanol concentrations. The Intox EC/IR II.t can be powered by either 110 volts AC or 12 volts DC.

(12) The “FC10Plus” manufactured by Lifeloc Technologies, Inc., Wheat Ridge, CO. This is a hand-held device that is intended for use in mobile or stationary operations. This device uses a fuel cell sensor and is powered by internal batteries.

This update indicates that two devices (the Phoenix 6.0 and the FC20, manufactured by Lifeloc Technologies, Inc., Wheat Ridge, CO) come with Bluetooth keyboard support and five additional fields that users can use to enter additional information. With these features, these devices will be listed on the CPL as the “Phoenix 6.0BT” and the “FC20BT.” This update indicates also that seven devices manufactured by Lifeloc come with the EASYCAL calibration accessory. Those devices include the FC10, FC10Plus, FC20, FC20BT, EV30, Phoenix 6.0 and the Phoenix 6.0BT. The CPL specifies that each of these devices conforms to the model specifications “w/or without the EASYCAL accessory.”

Intoximeters, Inc., Saint Louis, MO, acquired the breath alcohol testing business of National Patent Analytical Systems, Inc. (NPAS). Since there have been no changes to the devices other than ownership and a device name change, all six devices previously listed under NPAS (BAC DataMaster (with or without the Delta-1 accessory), BAC Verifier DataMaster (with or without the Delta-1 accessory), DataMaster cdm (with or without the Delta-1 accessory), DataMaster DMT with Fuel Cell option, DataMaster DMT with Rev A Fuel Cell option and DataMaster DMT) will now be listed under both Intoximeters and NPAS. The NPAS DataMaster DMT will now be known as the Intoximeters Intox DMT. Accordingly, this device will be listed under Intoximeters under both names.

The CPL has been updated to reflect that Draeger Safety Diagnostics, Inc. will begin operating under the name Draeger, Inc. effective July 1, 2017, to align all sales and service operations for Draeger in the United States. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list. Law enforcement agencies that plan to utilize a device that does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by the NHTSA and found to meet the NHTSA's performance requirements. If a device is approved by the NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of the NHTSA acceptability to Jennifer Okraska at the address given as follows so that the Department has information sufficient to enable it to include the device in the next revision of this notice in the *Pennsylvania Bulletin*.

Some of the devices included in this notice are listed under the name of more than one manufacturer due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In these instances, the device is listed under the name of every company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

To facilitate accessibility of information concerning breath alcohol testing devices which are approved for law enforcement purposes in this Commonwealth, the Department will publish revisions of this list of equipment semiannually as notices in the *Pennsylvania Bulletin*.

Questions regarding this list should be directed to Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES

Distributors/Manufacturers	Devices
AK Solutions, USA, LLC., Palisades Park, New Jersey ¹	<ul style="list-style-type: none"> ○ AlcoScan AL-2500. ○ SafeMate.² ○ SafeDrive. ○ AlcoMate.³ (aka: AlcoHAWK Pro by Q3 Innovations). ○ AlcoMate Accu Cell AL-9000. ○ AlcoMate Pro.³ ○ AlcoMate Core.⁴ ○ AlcoMate Premium AL-7000, with replaceable Premium Sensor Modules (SM-7000).^{4 5} ○ AlcoMate Prestige AL-6000, with replaceable Prestige Sensor Modules (SM-6000).^{4 6} ○ AlcoMate SafeGuard (Model AL-2500, aka: AlcoScan AL-2500).
Alco Check International, Hudsonville, Michigan	Alco Check 3000 D.O.T. ⁷ Alco Check 9000. ⁷
Akers Biosciences, Inc., Thorofare, New Jersey	Breath Alcohol® .02 Detection System. ⁸
Alcohol Countermeasure Systems Corp., Toronto, Ontario, Canada	DRIVESAFE. ALERT J4X ALERT J5
BAC Solutions, Inc., Birmingham, Michigan	BACmaster.
B.E.S.T. Labs., Boardman, Ohio	PB 9000e.
Chematics, Inc., North Webster, Indiana	ALCO-SCREEN 02™ ⁹ .
Express Diagnostics Int'l, Inc., Blue Earth, Minnesota	AlcoCheck FC90 (aka: AT578 by Skyfine).

Distributors/Manufacturers	Devices
First Innovative Technology Group, Ltd., Hong Kong	AAT198—Pro.
Guth Laboratories, Inc., Harrisburg, Pennsylvania	<ul style="list-style-type: none"> ○ Alco Tector Mark X. ○ Mark X Alcohol Checker. ○ Alcotector WAT89EC-1. ○ Alcotector WAT90.
Han International Co., Ltd., ² Seoul, Korea	A.B.I. (Alcohol Breath Indicator) (aka: AlcoHAWK ABI by Q3 Innovations).
KHN Solutions, LLC, San Francisco, California	<ul style="list-style-type: none"> ○ BACTRACK Select S50.¹⁰ ○ BACTRACK Select S80.¹⁰ ○ BACTRACK Element. ○ BACTRACK S 75 Pro.
Lion Laboratories, Ltd., Wales, United Kingdom	Alcometer 500 (aka: Intoxilyzer 500-CMI, Inc.).
OraSure Technologies, Inc., Bethlehem, Pennsylvania	Q.E.D. A150 Saliva Alcohol Test.
PAS Systems International, Inc., Fredericksburg, Virginia	<ul style="list-style-type: none"> ○ PAS Vr. ○ Alcovisor MARS.
Q3 Innovations, Inc., Independence, Iowa	<ul style="list-style-type: none"> ○ AlcoHAWK Precision. ○ AlcoHAWK Slim. ○ AlcoHAWK Slim 2. ○ AlcoHAWK Elite. ○ AlcoHAWK ABI (aka: A.B.I. (Alcohol Breath Indicator) by Han Intl.). ○ AlcoHAWK Micro. ○ AlcoHAWK PRO (aka: AlcoMate by AK Solutions). ○ AlcoHAWK PT 500. ○ CA2010.
RepcO Marketing, Inc., Raleigh, North Carolina	Alco Tec III.
Seju Engineering Co., Taejeon, Korea	Safe-Slim.
Skyfine Inc., Ltd., Kwai Chung, NT, Hong Kong	<ul style="list-style-type: none"> ○ AT577. ○ AT578 (aka: AlcoCheck FC90). ○ AT579.
Sound Off, Inc., Hudsonville, Michigan	Digitox D.O.T. ⁷
Varian, Inc., Lake Forest, California	On-Site Alcohol. ¹⁰

¹ The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the United States by AK Solutions.

² Manufactured by Seju Engineering, Korea.

³ Han International does not market or sell devices directly in the United States market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q3 Innovations, Inc.

⁴ Manufactured by Sentech Korea Corp.

⁵ These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. The device comes with four detectors including the one that was already installed.

⁶ These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. This device comes with five detectors including the one that was already installed.

⁷ While these devices are still being sold, they are no longer manufactured or supported.

⁸ The Breath Alcohol® .02 Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

⁹ While the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the Model Specifications when tested at 40°C (104°F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27°C (80°F). Instructions to this effect are stated on all packaging accompanying the device. Accordingly, the device should not be stored at temperatures above 27°C (80°F). If the device is stored at or below 27°C (80°F) and used at higher temperatures (that is, within a minute), the device meets the Model Specifications and the results persist for 10–15 minutes. If the device is stored at or below 27°C (80°F) and equilibrated at 40°C (104°F) for an hour prior to sample application, the device fails to meet the Model Specifications. Storage at temperatures above 27°C (80°F), for even brief periods of time, may result in false negative readings.

¹⁰ While this device passed all of the requirements of the Model Specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken 1 minute after a sample is introduced at or above 30°C (86°F); readings should be taken after 2 minutes

at 18°C—29°C (64.4°F—84.2°F); and readings should be taken after 5 minutes when testing at temperatures at or below 17°C (62.6°F). If the reading is taken before 5 minutes has elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer/Distributor and Model	Mobile	Nonmobile
AK GlobalTech Corporation, Palisades Park, New Jersey:		
AlcoMate TS600 (aka: Alcoscan ALP-1 outside the U.S.)	X	X
Alcohol Countermeasure Systems Corp., Toronto, Ontario, Canada:		
Alert J3AD*	X	X
Alert J4X.ec	X	X
PBA3000C	X	X
SAF ^{IR} Evolution	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer*	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:		
IR Breath Analyzer*	X	X
CMI, Inc., Owensboro, Kentucky:		
Intoxilyzer Model:		
200	X	X
200D	X	X
240 (aka: Lion Alcolmeter 400+ outside the U.S.)	X	X
300	X	X
400	X	X
400PA	X	X
500 (aka: Lion Alcolmeter 500 outside the U.S.)	X	X
600 (aka: Lion Alcolmeter 600 outside the U.S.)	X	X
800	X	—
1400	X	X
4011*	X	X
4011A*	X	X
4011AS*	X	X
4011AS-A*	X	X
4011AS-AQ*	X	X
4011 AW*	X	X
4011A27-10100*	X	X
4011A27-10100 with filter*	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X
5000 (w/3/8" ID Hose option)	X	X
5000CD	X	X
5000CD/FG5	X	X
5000EN	X	X
5000 (CAL DOJ)	X	X
5000VA	X	X
8000	X	X
9000	X	X
9000 (serial numbers 90-000500 and above)	X	X
PAC 1200*	X	X
S-D2	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
S-D5 (aka: Lion Alcolmeter SD-5 outside the U.S.)	X	X
Draeger, Inc. (aka: Draeger Safety Diagnostics, Inc. or National Draeger) Irving, Texas:		
Alcotest Model:		
3820	X	X
5510	X	X
5820	X	X
6510	X	X
6810	X	X
6820	X	X
7010*	X	X
7110*	X	X
7110 MKIII	X	X
7110 MKIII-C	X	X
7410	X	X
7410 Plus	X	X
7510	X	X
9510	X	X
Breathalyzer Model:		
900	X	X
900A*	X	X
900BG*	X	X
7410	X	X
7410-II	X	X
EnviteC, Wismar, Germany, distributed by Honeywell GmbH, Fond du Lac, Wisconsin:		
AlcoQuant 6020	X	X
AlcoQuant 6020 Plus	X	X
Gall's Inc., Lexington, Kentucky:		
Alcohol Detection System—A.D.S. 500	X	X
Guth Laboratories, Inc., Harrisburg, Pennsylvania:		
Alcotector BAC-100	X	X
Alcotector C2H5OH	X	X
Guth 38	X	X
Intoximeters, Inc., St. Louis, Missouri:		
Auto Intoximeter*	X	X
GC Intoximeter MK II*	X	X
GC Intoximeter MK IV*	X	X
Photo Electric Intoximeter*	—	X
Intoximeter Model:		
3000	X	X
3000 (rev B1)*	X	X
3000 (rev B2)*	X	X
3000 (rev B2A)*	X	X
3000 (rev B2A) w/FM option*	X	X
3000 (Fuel Cell)*	X	X
3000 D*	X	X
3000 DFC*	X	X
Alcomonitor	—	X
Alcomonitor CC	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Alco-Sensor III	X	X
Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000)	X	X
Alco-Sensor IV	X	X
Alco-Sensor IV XL	X	X
Alco-Sensor V	X	X
Alco-Sensor V XL	X	X
Alco-Sensor AZ	X	X
Alco-Sensor FST	X	X
Intox DMT Dual Sensor	X	X
Intox EC/IR	X	X
Intox EC/IR II	X	X
Intox EC/IR II (Enhanced with serial number 10,000 or higher)	—	X
Intox EC/IR II.t	X	X
Portable Intox EC/IR	X	X
RBT-AZ	X	X
RBT-III	X	X
RBT III-A	X	X
RBT IV	X	X
RBT IV with CEM (cell enhancement module)	X	X
(Also Listed under National Patent Analytical Systems, Inc.) BAC DataMaster (with or without the Delta-1 accessory)	X	X
BAC Verifier DataMaster (w/or without the Delta-1 accessory)	X	X
DataMaster cdm (w/or without the Delta-1 accessory)	X	X
DataMaster DMT w/Fuel Cell option	X	X
DataMaster DMT w/Rev A Fuel Cell option	X	X
DataMaster DMT (aka: Intox MT)	X	X
Intox DMT (aka: DataMaster DMT)	X	X
Komyo Kitagawa, Kogyo, K.K., Japan:		
Alcolyzer DPA-2*	X	X
Breath Alcohol Meter PAM 101B*	X	X
Lifeloc Technologies, Inc., (formerly Lifeloc, Inc.), Wheat Ridge, Colorado:		
EV 30 (w/or without EASYCAL accessory)	X	X
FC 10 (w/or without EASYCAL accessory)	X	X
FC 10Plus (w/or without EASYCAL accessory)	X	X
FC 20 (w/or without EASYCAL accessory)	X	X
FC 20BT (w/or without EASYCAL accessory)	X	X
LifeGuard Pro	X	X
Phoenix	X	X
Phoenix 6.0 (w/or without EASYCAL accessory)	X	X
Phoenix 6.0BT (w/or without EASYCAL accessory)	X	X
Lion Laboratories, Ltd., Cardiff, Wales, United Kingdom:		
Alcolmeter Model:		
300	X	X
400	X	X
400+ (aka: Intoxilyzer 240 in the U.S.)	X	X
500 (aka: Intoxilyzer 500 in the U.S.)	X	X
600 (aka: Intoxilyzer 600 in the U.S.)	X	X
EBA*	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
SD-2*	X	X
SD-5 (aka: S-D5 in the U.S.)	X	X
Intoxilyzer Model:		
200	X	X
200D	X	X
1400	X	X
5000 CD/FG5	X	X
5000 EN	X	X
Luckey Laboratories, San Bernardino, California:		
Alco-Analyzer Model:		
1000*	—	X
2000*	—	X
Nanopuls AB, Uppsala, Sweden:		
Evidenzer	X	X
National Patent Analytical Systems, Inc. (NPAS), Mansfield, Ohio:		
BAC DataMaster (with or without the Delta-1 accessory)	X	X
BAC Verifier DataMaster (w/or without the Delta-1 accessory)	X	X
DataMaster cdm (w/or without the Delta-1 accessory)	X	X
DataMaster DMT (aka: Intox DMT)	X	X
DataMaster DMT w/Fuel Cell option SN: 555555	X	X
DataMaster DMT w/ Rev A Fuel Cell option SN: 100630	X	X
Omicron Systems, Palo Alto, California:		
Intoxilyzer Model:		
4011*	X	X
4011AW*	X	X
PAS International, Fredericksburg, Virginia:		
Alcovisor Jupiter	X	X
Alcovisor Mercury	X	X
Mark V Alcovisor	X	X
Plus 4 Engineering, Minturn, Colorado:		
5000 Plus 4*	X	X
Seres, Paris, France:		
Alco Master	X	X
Alcopro	X	X
Siemens-Allis, Cherry Hill, New Jersey:		
Alcomat*	X	X
Alcomat F*	X	X
Smith and Wesson Electronics, Springfield, Massachusetts:		
Breathalyzer Model:		
900*	X	X
900A*	X	X
1000*	X	X
2000*	X	X
2000 (non-Humidity Sensor)*	X	X
Sound-Off, Inc., Hudsonville, Michigan:		
AlcoData	X	X
Seres Alco Master	X	X
Seres Alcopro	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Stephenson Corp.:		
Breathalyzer 900*	X	X
Tokai-Denshi Inc., Tokyo, Japan:		
ALC-PRO II (U.S.)	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, California:		
Alco-Analyzer 1000	—	X
Alco-Analyzer 2000	—	X
Alco-Analyzer 2100	X	X
Verax Systems, Inc., Fairport, New York:		
BAC Verifier*	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II*	X	X

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464. Persons who are speech or hearing impaired may 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. 23-1366. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Determine Analyses of Blood or Serum or Both for Controlled Substances under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) or section 353 of the Federal Clinical Laboratories Improvement Amendments of 1988 (42 U.S.C. § 263a), or both, and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood or serum, or both, for the determination of controlled substances. This approval is contingent on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755(a) (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances in blood or serum, or both.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening or confirmatory analyses, or both, on blood or serum, or both. Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood or serum analysis services, or both, from any of the listed laboratories should

determine that the laboratory employs techniques and procedures acceptable for medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking blood or serum analyses, or both, are responsible for specifying the controlled substances for which testing is being sought. Persons seeking those analyses should first determine the purpose of the analyses, that is, whether they are for medical, legal or other purposes.

The Vehicle Code contains a provision at 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988, (Pub.L. No. 100-578). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories before the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylv-*

vania Bulletin. Questions regarding this list should be directed to Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

The symbols SB, SSe, CB and CSe indicate the following:

SB = approved for blood screening analyses

SSe = approved for serum screening analyses

CB = approved for blood confirmatory analyses

CSe = approved for serum confirmatory analyses

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SB,
CB
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

31871
AMERICAN FORENSIC TOXICOLOGY SERVICES—SB,
SSe, CB, CSe
789 PARK AVENUE
HUNTINGTON, NY 11743
(631) 973-0166

21613
ARUP LABORATORIES INC—SSe, CSe
500 CHIPETA WAY
SALT LAKE CITY, UT 84108
(800) 242-2787

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SB,
SSe, CB, CSe
3520 PROGRESS DRIVE, UNIT C
BENSALEM, PA 19020
(267) 525-2470

00977
DRUGSCAN INC—SB, SSe, CB, CSe
200 PRECISION ROAD, SUITE 200
HORSHAM, PA 19044
(215) 674-9310

36525
FIRSTOX LABORATORIES LLC—CSe
4850 PLAZA DRIVE
IRVING, TX 75063
(813) 781-0891

31400
FRANCES WARDE MEDICAL LABORATORY—SSe, CSe
300 WEST TEXTILE ROAD
ANN ARBOR, MI 48108
(734) 214-0300

24655
HEALTH NETWORK LABORATORIES—SB, SSe, CB,
CSe
794 ROBLE ROAD
ALLENTOWN, PA 18109-9110
(610) 402-8150

29685
MAYO CLINIC LABS-ROCH SUPERIOR DR—SSe, CSe
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-3458

05574
MEDTOX LABORATORIES INC—SB, SSe, CB, CSe
402 COUNTY ROAD, D WEST
ST PAUL, MN 55112
(651) 636-7466

32803
MOLECULAR DX, LLC—SB, CB
620 7TH STREET, SUITE C
WINDBER, PA 15963
(814) 361-6993

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SB, SSe,
CB, CSe
200 WELSH ROAD
HORSHAM, PA 19044
(215) 657-4900

29741
NORTHERN TIER RESEARCH—SB, SSe, CB, CSe
1302 MADISON AVE
DUNMORE, PA 18509
(570) 351-6153

30984
OFFICE OF THE DISTRICT ATTORNEY—SB, SSe, CB
1601 RITNER HIGHWAY
CARLISLE, PA 17013
(717) 240-6526

35876
OPANS, LLC—CB
4134 S. ALSTON AVE., SUITE 100
DURHAM, NC 27713
(919) 323-4299

22533
PENNSYLVANIA DEPT. OF HEALTH—SB, CB
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

40533
PHENOMICS HEALTH, INC.—SSe
46701 COMMERCE CENTER DRIVE
PLYMOUTH, MI 48170
(734) 233-3070

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB,
SSe, CB, CSe
14225 NEWBROOK DRIVE
CHANTILLY, VA 20151
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—SSe, CSe
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—CB, SSe
875 GREENTREE ROAD, 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—CB, SSe
875 GREENTREE ROAD, 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7867

00151
ST JOSEPH QUALITY MEDICAL LAB—SSe
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

00018
WBGH COMMONWEALTH HEALTH LAB SVS—SSe
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00141
YORK HOSPITAL—SSe
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

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DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1367. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Determine Blood Alcohol Content under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood, serum or plasma. This approval is contingent on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755(a) (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood, serum or plasma.

The Vehicle Code at 75 Pa.C.S. § 1547(c)(3)(ii) also permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in certain legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide forensic blood, serum or plasma analysis services. This section states that the test results will be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S.

§ 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed to conduct the test by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988, (Pub.L. No. 100-578). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the determination of alcohol in serum are approved to analyze both serum and plasma for alcohol content.

Persons seeking forensic blood, serum or plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes and that the director of the facility is agreeable to performing determinations for this purpose.

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood alcohol and serum and plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements in section 353 of the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. § 263a), and implementing regulations at 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology), which are administered by the Centers for Medicare & Medicaid Services. Successful participation in the Department's proficiency testing program will satisfy the compliance requirements for both the Department and Centers for Medicare & Medicaid Services.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

The symbols S, B, and SB indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 481-2324

00061
AHN GROVE CITY—S
GROVE CITY MEDICAL CENTER
631 NORTH BROAD STREET EXT.
GROVE CITY, PA 16127
(724) 450-7128

38782

AHN WEXFORD HOSPITAL—S
12351 PERRY HIGHWAY
WEXFORD, PA 15090
(878) 231-5006

00233

ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK RD—LABS—TOWER BLDG
GROUND FL
PHILADELPHIA, PA 19141-3001
(215) 456-6152

00671

ALLEGHENY COUNTY MED EX DIV OF LABS—SB
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

28233

ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077

ALLEGHENY GENERAL HOSPITAL LAB—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-6886

00100

ALLE-KISKI MD CTR DBA AVH—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

34874

AMERATHON LLC, DBA AHA—S
26300 EUCLID AVENUE, SUITE 910
CLEVELAND, OH 44132
(216) 472-2318

21613

ARUP LABORATORIES INC—S
500 CHIPETA WAY
SALT LAKE CITY, UT 84108
(800) 242-2787

00047

ASSOCIATED CLINICAL LABORATORIES—SB
PATHOLOGY ASSOCIATES OF ERIE, INC
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400

24997

ATLANTIC DIAGNOSTIC LABORATORIES LLC—SB
3520 PROGRESS DRIVE, UNIT C
BENSALEM, PA 19020
(267) 525-2470

00320

BARNES KASSON HOSPITAL LAB—S
2872 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059

00033

BRADFORD REGIONAL MEDICAL CENTER—S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247

00369

BUCKTAIL MED CENTER—S
1001 PINE STREET
RENOVO, PA 17764
(570) 531-6176

00301

BUTLER MEMORIAL HOSPITAL—S
ONE HOSPITAL WAY, (911 E. BRADY STREET)
BUTLER, PA 16001
(724) 284-4513

00107

CANONSBURG HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916

00157

CGOH LABORATORY—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340

00132

CHAMBERSBURG HOSPITAL DEPT OF
PATHOLOGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7973

00310

CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 260-9955 x6181

00198

CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182

00228

CHILDRENS HOSP OF PHILADELPHIA—S
3401 CIVIC CENTER BLVD
MAIN BLDG-5TH FLOOR-ROOM 5135
PHILADELPHIA, PA 19104
(215) 590-4446

28143

CHOP KING OF PRUSSIA HOSPITAL—S
550 GODDARD BOULEVARD
KING OF PRUSSIA, PA 19406
(267) 426-8820

00329

CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-1399

00125

CONEMAUGH MEM MED CTR-MAIN LAB—S
LABORATORY DEPT 1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-9787

00231

CONEMAUGH MEYERSDALE MEDICAL CTR—S
200 HOSPITAL DR
MEYERSDALE, PA 15552
(814) 972-6913

00128
 CONEMAUGH MINERS MEDICAL CENTER—S
 290 HAIDA AVENUE, PO BOX 689
 HASTINGS, PA 16646
 (814) 247-3200

00326
 CORRY MEMORIAL HOSPITAL—S
 965 SHAMROCK LANE
 CORRY, PA 16407
 (814) 664-4641

00201
 CROZER CHESTER MED CENTER LAB—S
 1 MEDICAL CENTER BOULEVARD
 UPLAND, PA 19013
 (610) 447-2232

00266
 DEPT OF PATHOLOGY & LAB MED-HUP—S
 3400 SPRUCE STREET
 PHILADELPHIA, PA 19104
 (215) 662-3423

00247
 DEPART. OF PATHOLOGY & LAB MED-HUP—S
 5301 CEDAR AVENUE
 PHILADELPHIA, PA 19143
 (215) 662-7879

00194
 DOYLESTOWN HOSPITAL LABORATORY—S
 595 W STATE STREET
 DOYLESTOWN, PA 18901
 (215) 345-2250

00977
 DRUGSCAN INC—SB
 200 PRECISION ROAD, SUITE 200
 HORSHAM, PA 19044
 (215) 674-9310

00217
 EINSTEIN MEDICAL CTR MONTGOMERY—S
 559 W GERMANTOWN PIKE
 EAST NORRITON, PA 19403
 (484) 662-1000

00612
 ENDLESS MOUNTAINS HEALTH SYSTEMS—S
 100 HOSPITAL DRIVE
 MONTROSE, PA 18801
 (570) 278-3801

00164
 EPHRATA COMMUNITY HOSPITAL—S
 169 MARTIN AVE, PO BOX 1002
 EPHRATA, PA 17522
 (717) 733-0311

00181
 EVANGELICAL COMMUNITY HOSPITAL—S
 1 HOSPITAL DRIVE
 LEWISBURG, PA 17837
 (570) 522-2510

00114
 EXCELA HEALTH LATROBE HOSPITAL—S
 ONE MELLON WAY
 LATROBE, PA 15650
 (724) 850-3121

00085
 FORBES HOSPITAL—S
 2570 HAYMAKER ROAD
 MONROEVILLE, PA 15146
 (412) 858-2567

31400
 FRANCES WARDE MEDICAL LABORATORY—SB
 300 WEST TEXTILE ROAD
 ANN ARBOR, MI 48108
 (734) 214-0300

00115
 FRICK HOSPITAL—S
 508 SOUTH CHURCH STREET
 MOUNT PLEASANT, PA 15666
 (724) 547-1500

00330
 FULTON COUNTY MEDICAL CENTER—S
 214 PEACH ORCHARD ROAD
 MCCONNELLSBURG, PA 17233
 (717) 485-6169

00002
 GEISINGER BLOOMSBURG HOSPITAL
 LABORATORY—S
 549 E FAIR STREET
 BLOOMSBURG, PA 17815
 (570) 387-2098

00005
 GEISINGER COMMUNITY MEDICAL CENTER—S
 1800 MULBERRY STREET
 SCRANTON, PA 18510
 (570) 703-7123

00138
 GEISINGER LEWISTOWN HOSPITAL
 LABORATORY—S
 LABORATORY ADMINISTRATION
 400 HIGHLAND AVENUE
 LEWISTOWN, PA 17044
 (717) 242-7113

00173
 GEISINGER MEDICAL CENTER—SB
 100 N ACADEMY AVENUE
 DANVILLE, PA 17822-0131
 (570) 271-7443

38895
 GEISINGER MEDICAL CENTER MUNCY—S
 255 ROUTE 220 HIGHWAY
 MUNCY, PA 17756
 (570) 271-6336

36920
 GEISINGER ST. LUKE'S HOSPITAL—S
 100 PARAMONT BLVD
 ORWIGSBURG, PA 17961
 (272) 212-1091

00019
 GEISINGER WYOMING VALLEY MED CTR LAB—S
 1000 E MOUNTAIN DRIVE
 WILKES-BARRE, PA 18711
 (570) 808-7845

00185
 GEISINGER SHAMOKIN AREA COMMUNITY
 HOSPITAL—S
 4200 HOSPITAL ROAD
 COAL TOWNSHIP, PA 17866-9697
 (570) 644-4281

00122
 GETTYSBURG HOSPITAL LABORATORY—S
 147 GETTYS STREET
 GETTYSBURG, PA 17325
 (717) 337-4120

00196
GRAND VIEW HOSPITAL—S
700 LAWN AVE
SELLERSVILLE, PA 18960
(215) 453-4648

00017
GSWB A CAMPUS OF GWVMC—S
25 CHURCH STREET
WILKES-BARRE, PA 18765
(570) 808-7845

00024
GUTHRIE MEDICAL GROUP LAB TROY—S
275 GUTHRIE LANE
TROY, PA 16947
(570) 297-9289

00654
GUTHRIE MEDICAL GROUP LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 887-4177

00023
GUTHRIE MEDICAL GROUP LAB-TOWANDA—S
91 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

00139
HANOVER HOSPITAL LABORATORY—S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 316-2150

00155
HARRISBURG HOSPITAL LABORATORY—S
100 SOUTH 2ND STREET
HARRISBURG, PA 17101
(717) 782-3340

00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-2236

00022
HEALTH NETWORK LABORATORIES—S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3370

00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(484) 425-8150

00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(484) 884-2259

24655
HEALTH NETWORK LABORATORIES—SB
794 ROBLE ROAD
ALLENTOWN, PA 18109-9110
(610) 402-8150

00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000

00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 749-7364

00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

39450
HNL-ACL-CARBON—S
2128 BLAKESLEE BLVD., DRIVE E
LEHIGHTON, PA 18235
(484) 425-8215

39535
HNL-ADCL-DICKSON CITY—S
330 MAIN STREET
DICKSON CITY, PA 18519
(484) 425-8215

38714
HNL-ACL-HECKTOWN OAKS—S
3780 HECKTOWN ROAD
EASTON, PA 18045
(484) 425-5532

00099
HVS, KENNEDY CAMPUS—S
25 HECKEL ROAD
MCKEES ROCKS, PA 15136
(412) 777-6161

00052
INDIANA REGIONAL MEDICAL CENTER—S
835 HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7160

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00192
JEFFERSON HEALTH, NE, BUCKS—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

00236
JEFFERSON HEALTH-NE, FRANKFORD—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

00341
JEFFERSON HEALTH-NE, TORRESDALE—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-2648

00038
JEFFERSON HOSPITAL LABORATORY—S
PO BOX 18119, 565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

36342
LABCORP CENTRAL LABORATORY SERVICES—B
8211 SCICOR DRIVE
INDIANAPOLIS, IN 46214
(317) 273-1200

01088
LABCORP OF AMERICA HOLDINGS—SB
69 FIRST AVENUE, PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

22715
LABONE LLC DBA QUEST DIAGNOSTICS—B
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 577-1703

00165
LANCASTER GENERAL HOSPITAL LAB—S
555 N DUKE STREET
LANCASTER, PA 17602
(717) 544-4331

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4623

00010
LEHIGH VALLEY HOSPITAL—HAZLETON
LABORATORY—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4156

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00182
LVH-SCHUYLKILL E NORWEGIAN—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3768

00242
MAIN LINE HOSPITALS LAB-LANKENAU—S
100 EAST LANCASTER AVENUE, 3RD FLOOR
WYNNEWOOD, PA 19096
(484) 476-3521

00199
MAIN LINE HOSPITALS LAB-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HOSPITALS LAB-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

29685
MAYO CLINIC LABS-ROCH SUPERIOR DR—SB
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-3458

00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 333-5514

05574
MEDTOX LABORATORIES INC—SB
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 636-7466

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
1701 INNOVATION DRIVE
YORK, PA 17408
(717) 849-5371

00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4185

28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057

32803
MOLECULAR DX, LLC—B
620 7TH STREET, SUITE C
WINDBER, PA 15963
(814) 361-6993

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
2ND FLOOR LABORATORY
ELKINS PARK, PA 19027
(215) 456-6152

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-6215

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SB
200 WELSH ROAD
HORSHAM, PA 19044
(215) 657-4900

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

36182
NJMHMC LLC D/B/A HUDSON REGIONAL
HOSPITAL—S
55 MEADOWLANDS PARKWAY
SECAUCUS, NJ 07094
(201) 392-3516

29741
NORTHERN TIER RESEARCH—SB
1302 MADISON AVE
DUNMORE, PA 18509
(570) 351-6153

30984
OFFICE OF THE DISTRICT ATTORNEY—B
1601 RITNER HIGHWAY
CARLISLE, PA 17013
(717) 240-6526

00053
PENN HIGHLANDS-BROOKVILLE—S
100 HOSPITAL ROAD
BROOKVILLE, PA 15825
(814) 849-2312

00027
PENN HIGHLANDS DUBOIS—S
100 HOSPITAL AVENUE
DUBOIS, PA 15801
(814) 371-2200

00032
PENN HIGHLANDS ELK—S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00108
PENN HIGHLANDS MON VALLEY—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST, DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

38878
PENN STATE HEALTH HAMPDEN MEDICAL CENTER
LABORATORY—S
2200 GOOD HOPE ROAD
ENOLA, PA 17025
(717) 857-0020

39750
PENN STATE HEALTH LANCASTER MEDICAL
CENTER—S
2160 STATE ROAD
LANCASTER, PA 17601
(223) 287-8135

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SB
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

00251
PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREET
PHILADELPHIA, PA 19107
(215) 829-3541

00026
PH DUBOIS, CLEARFIELD CAMPUS—S
809 TURNPIKE AVENUE, PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD, DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1000

00221
POTTSTOWN HOSPITAL—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7130

00130
PSH HOLY SPIRIT MEDICAL CENTER—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2191

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820

00669
QUEST DIAGNOSTICS INCORPORATED—B
1 INSIGHTS DRIVE
CLIFTON, NJ 07012
(201) 393-5895

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB
14225 NEWBROOK DRIVE
CHANTILLY, VA 20151
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—SB
875 GREENTREE ROAD, 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SB
875 GREENTREE ROAD, 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7867

00150
READING HOSPITAL LABORATORY—S
420 S 5TH AVE
WEST READING, PA 19611
(484) 628-8615

00336
REGIONAL HOSPITAL OF SCRANTON—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100

00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394

00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 942-3800

- 00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558
- 00328
SAINT MARY MEDICAL CENTER-PATH LAB—S
1201 LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162
- 00048
SAINT VINCENT HEALTH CENTER—S
232 WEST 25TH STREET
ERIE, PA 16544
(814) 452-5383
- 00064
SHARON REGIONAL LAB SERVICES—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3914
- 00171
SLUHN SACRED HEART CAMPUS—S
421 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 776-4720
- 00260
ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN—S
DEPT. OF PATHOLOGY & LAB MEDICINE
160 EAST ERIE AVENUE
PHILADELPHIA, PA 19134-1095
(215) 427-3165
- 00151
ST JOSEPH QUALITY MEDICAL LAB—S
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00318
ST LUKE'S HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8723
- 32021
ST. LUKE'S HOSPITAL-ANDERSON LAB—S
1872 ST. LUKE'S BLVD.
EASTON, PA 18045
(484) 503-1075
- 38867
ST. LUKE'S HOSPITAL-CARBON CAMPUS—S
500 ST. LUKE'S DRIVE
LEHIGHTON, PA 18235
(610) 377-7084
- 00175
ST. LUKE'S HOSPITAL EASTON CAMPUS—S
250 SOUTH 21ST STREET
EASTON, PA 18042
(610) 250-4819
- 00180
ST. LUKE'S HOSPITAL MINERS CAMPUS—S
360 WEST RUDDLE STREET, PO BOX 67
COALDALE, PA 18218
(570) 645-8271
- 35019
ST. LUKE'S MONROE CAMPUS LABORATORY—S
100 ST. LUKE'S LANE
STROUDSBURG, PA 18360
(484) 514-3606
- 00195
ST. LUKE'S UPPER BUCKS CAMPUS—S
3000 ST. LUKE'S WAY
QUAKERTOWN, PA 18951
(215) 985-0038
- 00219
SUBURBAN COMMUNITY HOSPITAL—S
2701 DEKALB PIKE
EAST NORRITON, PA 19401
(610) 278-2075
- 00207
TAYLOR HOSPITAL LABORATORY—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 447-2232
- 00227
TEMPLE HEALTH-CHESTNUT HILL HOSPITAL—S
DEPARTMENT OF PATHOLOGY
8835 GERMANTOWN AVENUE
PHILADELPHIA, PA 19118
(215) 707-8366
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4470
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 NORTH BROAD STREET
DEPT OF PATH & LAB MED-RM B243, OPB
PHILADELPHIA, PA 19140
(215) 707-9560
- 00240
TEMPLE UNIVERSITY HOSPITAL—JEANES
CAMPUS—S
7600 CENTRAL AVENUE
PHILADELPHIA, PA 19111
(215) 728-2248
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET, 204 FOERDERER
PAVILION
PHILADELPHIA, PA 19107
(215) 955-3941
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384
- 00119
UPMC ALTOONA LAB—S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340

00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506

32389
UPMC EAST PATHOLOGY LABORATORY—S
2775 MOSSIDE BLVD
GROUND FLOOR, ROOM 0304
MONROEVILLE, PA 15146
(412) 357-3682

00046
UPMC HAMOT—S
201 STATE STREET, 4TH FLOOR WEST
ERIE, PA 16550
(814) 877-3131

00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100

00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500

00054
UPMC JAMESON—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4082

00034
UPMC KANE—S
4372 ROUTE 6
KANE, PA 16735
(814) 837-4570

00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233

00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7624

00035
UPMC MUNCY LABORATORY—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

00084
UPMC PASSAVANT—S
9104 BABCOCK BLVD
GROUND FLOOR, T BUILDING
PITTSBURGH, PA 15237
(412) 367-6700

05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
ATTN: LAB
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370

00131
UPMC PINNACLE CARLISLE—S
361 ALEXANDER SPRING ROAD
CARLISLE, PA 17015-9129
(717) 960-3336

00166
UPMC PINNACLE LITITZ—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5572

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S
UPMC CLINICAL LABORATORY BUILDING
3477 EULER WAY
PITTSBURGH, PA 15213
(412) 647-5855

00091
UPMC SAINT MARGARET HOSPITAL LABORA-
TORY—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE, GROUND FLOOR WEST
WING
PITTSBURGH, PA 15232
(412) 623-5950

00297
UPMC SOMERSET HOSPITAL—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5215

00039
UPMC WELLSBORO LABORATORY—S
32-36 CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133

00037
UPMC WILLIAMSPORT LABORATORY—S
700 HIGH STREET
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00030
UPMC WILLIAMSPORT OP EMERG. DEPT.—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5033

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860

00105
WASHINGTON HEALTH SYSTEM GREENE—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2640

00111
WASHINGTON HEALTH SYSTEM LAB—S
155 WILSON AVE
WASHINGTON, PA 15301
(724) 223-3120

00298

WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133

WAYNESBORO HOSPITAL LABORATORY—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00018

WBGH COMMONWEALTH HEALTH LAB SVS—SB
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00095

WEST PENN HOSPITAL—S
4800 FRIENDSHIP AVENUE
PITTSBURGH, PA 15224
(412) 578-5779

33480

WEST SHORE HOSP LABORATORY—S
1995 TECHNOLOGY PKWY
MECHANICSBURG, PA 17050
(717) 782-3128

00112

WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4896

00106

WINDBER HOSPITAL—S
600 SOMERSET AVE
WINDBER, PA 15963
(814) 467-3430

00299

WS GOOD SAMARITAN HOSPITAL LAB SERVICES—S
252 S. 4TH STREET
LEBANON, PA 17042
(717) 270-7500

25064

WVU HOSPITAL AT RUBY MEMORIAL HOSPITAL—S
1 MEDICAL CENTER DR, PO BOX 8009
MORGANTOWN, WV 26506-8009
(304) 598-4241

00141

YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Jennifer Okraska at the previously referenced address or phone number. Persons who are speech or hearing impaired may 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. 23-1368. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Determine Controlled Substance Content of Urine under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances.

This approval is contingent on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening or confirmatory urine drug analyses, or both. Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The Commonwealth's Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub.L. No. 100-578). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit

number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

The symbols S, C, SC indicate the following:

S = approved for screening analyses

C = approved for confirmatory analyses

SC = approved for screening and confirmatory analyses

35737

A & R HEALTH SERVICES—SC
1301 BEAVER AVENUE
PITTSBURGH, PA 15233
(412) 918-6734

00212

ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 481-2324

34830

ACUTIS DIAGNOSTICS—SC
400 KARIN LANE
HICKSVILLE, NY 11801
(516) 253-2171

40178

ADVANCED CLINICAL SOLUTION—S
6 B CULNEN DRIVE
BRANCHBURG, NJ 08876
(908) 255-4133

36379

ADVANCED COMPREHENSIVE LABORATORY—SC
67-71 EAST WILLOW STREET
MILLBURN, NJ 07041
(877) 355-3580

30914

ADVANCED PAIN MEDICINE—SC
1009 BEAVER GRADE ROAD
MOON TOWNSHIP, PA 15108
(724) 771-2314

34513

ADVANCED SPINE & PAIN (DBA RELIEVUS)—SC
2 8TH STREET
HAMMONTON, NJ 08037
(888) 985-2727, X185

34867

ADVANTA ANALYTICAL LAB—SC
10935 CR 159, SUITE 101
TYLER, TX 75703
(903) 805-9955

31695

AEGIS SCIENCES CORPORATION—SC
515 GREAT CIRCLE ROAD
NASHVILLE, TN 37228
(615) 255-2400

38782

AHN WEXFORD HOSPITAL—S
12351 PERRY HIGHWAY
WEXFORD, PA 15090
(878) 231-5006

33996

AIM LABORATORIES LLC—SC
3165 MCKELVEY RD, SUITE 110
BRIDGETON, MO 63044
(314) 743-3748

00233

ALBERT EINSTEIN MEDICAL CENTER NORTH—S
5501 OLD YORK RD—TOWER BLDG, GROUND FL
PHILADELPHIA, PA 19141-3001
(215) 456-6152

24496

ALERE TOXICOLOGY SERVICES—SC
450 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
(804) 378-9130

26008

ALERE TOXICOLOGY SERVICES INC—SC
1111 NEWTON STREET
GRETNA, LA 70053
(504) 361-8989

37650

ALFA LABS INC—SC
101 WOODWINDS INDUSTRIAL CT., STE L
CARY, NC 27511
(919) 473-6298

00671

ALLEGHENY COUNTY MED EX DIV OF LAB—SC
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

28233

ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077

ALLEGHENY GENERAL HOSPITAL LAB—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-6886

00100

ALLE-KISKE, M.D., CTR DBA AVH—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

35214

ALLIANCE PHARMA, INC—C
17 LEE BOULEVARD
MALVERN, PA 19355
(610) 296-3152

34874

AMERATHON LLC, DBA AHA—S
26300 EUCLID AVENUE, SUITE 910
CLEVELAND, OH 44132
(216) 472-2318

31871

AMERICAN FORENSIC TOXICOLOGY SERVICES—SC
789 PARK AVENUE
HUNTINGTON, NY 11743
(631) 923-0166

36327

AMERICAN HEALTH ASSOCIATES—S
15712 SW 41 STREET, SUITE 16
DAVIE, FL 33331
(954) 919-5007

- 26620
AMMON ANALYTICAL LABORATORY—SC
35 BLANCKE STREET
LINDEN, NJ 07036
(908) 862-4404
- 40031
ANALYZE PATHOLOGY, INC.—C
160 SW 12TH AVENUE, UNIT 103
DEERFIELD BEACH, FL 33442
(855) 425-9428
- 34650
APEX LABS, INC—SC
6015 BENJAMIN ROAD, SUITE 315
TAMPA, FL 33634
(813) 385-7784
- 37557
ARS TREATMENT CENTERS, P.C.—SC
1200 SHARON ROAD, SUITE 1, FIRST FLOOR
BEAVER, PA 15009-3156
(724) 467-2145
- 33097
ART OF PAIN MANAGEMENT—SC
9622 BUSTLETON AVENUE, SUITE 3
PHILADELPHIA, PA 19115
(610) 352-1710
- 26137
ARTHRITIS & OSTEOPOROSIS CTR INC—S
2760 CENTURY BOULEVARD
WYOMISSING, PA 19610
(610) 375-4251
- 21613
ARUP LABORATORIES INC—SC
500 CHIPETA WAY
SALT LAKE CITY, UT 84108
(800) 242-2787
- 00047
ASSOCIATED CLINICAL LABORATORIES—S
PATHOLOGY ASSOCIATES OF ERIE, INC
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400
- 24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SC
3520 PROGRESS DRIVE, UNIT C
BENSALEM, PA 19020
(267) 525-2470
- 38799
ATVIVO—S
955 YONKERS AVENUE, NO19
YONKERS, NY 10704
(844) 788-1478
- 33692
AUSPICIOUS LABORATORY INC—SC
3707 WESTCENTER DRIVE, SUITE # 100
HOUSTON, TX 77042
(713) 266-0808
- 33067
AVERTEST LLC DBA AVERHEALTH—SC
4709 LAGUARDIA DRIVE, SUITE 100
ST. LOUIS, MO 63134
(804) 285-0413
- 00320
BARNES KASSON HOSPITAL LAB—S
2872 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059
- 37340
BAYSIDE LABORATORIES, INC—S
4557 BELL BLVD
BAYSIDE, NY 11361
(718) 229-8800
- 38970
BEECHTREE DIAGNOSTICS—SC
12351 GATEWAY PARK PLACE, SUITE D-700
DRAPER, UT 84020
(801) 893-2773
- 34189
BIODIAGNOSTIC LABS—S
2380 E 22 STREET
BROOKLYN, NY 11229
(718) 646-6000
- 22757
BIOREFERENCE LABORATORIES INC—SC
481 EDWARD H. ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600
- 00033
BRADFORD REGIONAL MEDICAL CENTER—S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247
- 00472
BROOKSIDE CLINICAL LAB INC—S
2901 W DUTTONS MILLS ROAD, SUITE 100
ASTON, PA 19014
(610) 872-6466
- 00301
BUTLER MEMORIAL HOSPITAL—S
ONE HOSPITAL WAY (911E BRADY STREET)
BUTLER, PA 16001
(724) 284-4513
- 00107
CANONSBURG HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916
- 34470
CAPITAL DIAGNOSTICS LLC—SC
14201 PARK CENTER DRIVE, SUITE 407
LAUREL, MD 20707
(703) 424-5604
- 35410
CARING HEALTHCARE NETWORK LAB—SC
18 N FRONT ST
PHILIPSBURG, PA 16866
(814) 342-2333
- 35694
CAYUGA MEDICAL CENTER—S
101 DATES DRIVE
ITHACA, NY 14850
(604) 274-4474
- 36293
CENTER FOR INTERVENTIONAL PAIN &
SPINE LLC—SC
300 WELSH ROAD, BUILDING 2, SUITE 104
HORSHAM, PA 19044
(856) 701-0039

- 32471
CENTERS LAB NJ, LLC—SC
DBA CENTERS LAB
85 HORSE HILL ROAD
CEDAR KNOLLS, NJ 07927
(973) 731-2900
- 34075
CENTRAL TOX LLC—C
525 ROUND ROCK WEST DRIVE STE B200
ROUND ROCK, TX 78681
(512) 382-9710
- 38363
CERTIGEN LABORATORY—SC
9309 SOUTH TOLEDO AVENUE, SUITE A
TULSA, OK 74137
(918) 960-3150
- 00157
CGOH LABORATORY—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340
- 00132
CHAMBERSBURG HOSPITAL DEPT OF
PATHOLOGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7973
- 00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 260-9955, X6181
- 35702
CHATTAHOOCHEE PHYSICIANS LABORATORY
SERVICES, LLC—SC
1122 CAMBRIDGE SQUARE, STE E
ALPHARETTA, GA 30009
(770) 674-4468
- 35138
CHEMISYS LABORATORY—SC
17-01 POLLITT DRIVE
FAIR LAWN, NJ 07410
(210) 312-6980
- 34920
CHESAPEAKE TOXICOLOGY RESOURCES—SC
8415 PROGRESS DRIVE, SUITE V
FREDERICK, MD 21701
(240) 397-7060
- 00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182
- 00228
CHILDRENS HOSP OF PHILADELPHIA—S
3401 CIVIC CENTER BLVD
MAIN BLDG-5TH FLOOR-ROOM 5135
PHILADELPHIA, PA 19104
(215) 590-4446
- 28143
CHOP KING OF PRUSSIA HOSPITAL—S
550 GODDARD BOULEVARD
KING OF PRUSSIA, PA 19406
(267) 425-8820
- 00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-1399
- 36109
CLARITY LABS—SC
97 MOUNT BETHEL ROAD
WARREN, NJ 07059
(405) 266-3784
- 34259
CLEANSLATE CENTERS—SC
59 BOBALA ROAD
HOLYOKE, MA 01040
(413) 584-2173
- 33726
CLEARFIELD JEFFERSON PRIMARY CARE
ASSOC.—S
1464 N. MAIN STREET, SUITE 15
PUNXSUTAWNEY, PA 15767
(814) 503-8070
- 27845
CLINICAL REFERENCE LABORATORY—S
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 693-5481
- 33142
CLINICAL REFERENCE LABORATORY, INC—SC
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652
- 24916
CLINICAL SCIENCE LABORATORY INC—SC
51 FRANCIS AVENUE
MANSFIELD, MA 02048
(508) 339-6106
- 31556
COMPREHENSIVE PAIN CENTER ALLENTOWN—SC
1146 CEDAR CREST BLVD.
ALLENTOWN, PA 18103
(610) 366-9000
- 00125
CONEMAUGH MEM MED CTR—MAIN LAB—S
LABORATORY DEPARTMENT
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-9787
- 00128
CONEMAUGH MINERS MEDICAL CENTER—S
290 HAIDA AVENUE, PO BOX 689
HASTINGS, PA 16646
(814) 247-3200
- 00326
CORRY MEMORIAL HOSPITAL—S
965 SHAMROCK LANE
CORRY, PA 16407
(814) 664-4641
- 00201
CROZER CHESTER MEDICAL CENTER-LAB—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2232

- 35842
DELAWARE DIAGNOSTIC LABS, LLC—SC
1 CENTURIAN DRIVE, SUITE 103
NEWARK, DE 19713
(302) 407-5903
- 00266
DEPT OF PATHOLOGY & LAB MED-HUP—SC
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423
- 00247
DEPT. OF PATHOLOGY & LAB MED-HUP—S
5301 CEDAR AVENUE
PHILADELPHIA, PA 19143
(215) 662-7879
- 36709
DEVANSH LAB WERKS INC—SC
234 AQUARIUS DRIVE, SUITE 111
HOMEWOOD, AL 35209
(205) 994-8266
- 32240
DOMINION DIAGNOSTICS, LLC—SC
211 CIRCUIT DRIVE
NORTH KINGSTOWN, RI 02852
(877) 734-9600
- 00194
DOYLESTOWN HOSPITAL LABORATORY—S
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250
- 00977
DRUGSCAN INC—SC
200 PRECISION ROAD, SUITE 200
HORSHAM, PA 19044
(215) 674-9310
- 37898
DTR LABS—SC
2150 JUSTIN ROAD, SUITE 300
HIGHLAND, TX 75077
(469) 702-6015
- 35752
DYNIX DIAGNOSTIX, LLC—SC
2260 N US HIGHWAY 1
FORT PIERCE, FL 34946
(772) 324-6330
- 00217
EINSTEIN MEDICAL CTR MONTGOMERY—S
559 W GERMANTOWN PIKE
EAST NORRITON, PA 19403
(484) 662-1000
- 34056
ELITE DIAGNOSTICS, LLC—SC
10996 FOUR SEASONS PLACE, 100A
CROWN POINT, IN 46307
(888) 339-7339
- 31625
EMPIRE CITY LABORATORIES—S
229 49TH STREET
BROOKLYN, NY 11220
(718) 788-3840
- 00612
ENDLESS MOUNTAINS HEALTH SYSTEMS—S
100 HOSPITAL DRIVE
MONTROSE, PA 18801
(570) 278-3801
- 00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE, PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311
- 36981
ETHOS LABORATORIES—SC
29 E. 6TH STREET
NEWPORT, KY 41071
(877) 496-2570
- 00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510
- 00114
EXCELA HEALTH LATROBE HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 850-3121
- 34527
EXCELA CLINICAL LABORATORY—SC
95 DERMODY STREET
CRANFORD, NJ 07016
(732) 287-5115
- 36525
FIRSTOX LABORATORIES LLC—SC
4850 PLAZA DRIVE
IRVING, TX 75063
(813) 781-0891
- 00085
FORBES HOSPITAL—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2567
- 32166
FORENSIC FLUIDS LABORATORIES, INC—SC
225 PARSONS STREET
KALAMAZOO, MI 49007
(269) 492-7700
- 32497
FOX CHASE PAIN MANAGEMENT ASSOCIATES—S
4979 OLD STREET ROAD, SUITE B
TREVOSSE, PA 19053
(267) 288-5601
- 31400
FRANCES WARDE MEDICAL LABORATORY—SC
300 WEST TEXTILE ROAD
ANN ARBOR, MI 48108
(734) 214-0300
- 00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500
- 00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169
- 30188
GARCIA CLINICAL LABORATORY INC—S
2195 SPRING ARBOR ROAD
JACKSON, MI 49201
(517) 787-9200

00002
 GEISINGER-BLOOMSBURG HOSPITAL
 LABORATORY—S
 549 E FAIR STREET
 BLOOMSBURG, PA 17815
 (570) 387-2098

00005
 GEISINGER COMMUNITY MEDICAL CENTER—S
 1800 MULBERRY STREET
 SCRANTON, PA 18510
 (570) 703-7123

00312
 GEISINGER JERSEY SHORE HOSPITAL—S
 1020 THOMPSON STREET
 JERSEY SHORE, PA 17740
 (570) 398-5276

00138
 GEISINGER-LEWISTOWN HOSPITAL
 LABORATORY—S
 400 HIGHLAND AVENUE
 LEWISTOWN, PA 17044
 (717) 242-7113

00173
 GEISINGER MEDICAL CENTER—SC
 100 N ACADEMY AVENUE
 DANVILLE, PA 17822-0131
 (570) 271-7443

38895
 GEISINGER MEDICAL CENTER MUNCY—S
 255 ROUTE 220 HIGHWAY
 MUNCY, PA 17756
 (570) 271-6336

36920
 GEISINGER ST. LUKE'S HOSPITAL—S
 100 PARAMONT BLVD
 ORWIGSBURG, PA 17961
 (272) 212-1091

00019
 GEISINGER WYOMING VALLEY MC
 LABORATORY—S
 1000 E MOUNTAIN DRIVE
 WILKES-BARRE, PA 18711
 (570) 808-7845

00185
 GEISINGER-SHAMOKIN AREA COMMUNITY
 HOSPITAL—S
 4200 HOSPITAL ROAD
 COAL TOWNSHIP, PA 17866-9697
 (570) 644-4281

35154
 GENE TOX WORLDWIDE, LLC DBA SCIENTIA
 DIAGNOSTIC LLC—C
 136 RIDGE ROAD, SUITE 1A
 LYNDBURST, NJ 07071
 (201) 844-9160

35160
 GENESIS REFERENCE LABORATORY, LLC—SC
 7924 FOREST CITY ROAD, SUITE 210
 ORLANDO, FL 32810
 (407) 232-7130

34333
 GENOTOX LABORATORIES, LTD—SC
 2170 WOODWARD STREET, SUITE 100
 AUSTIN, TX 78744
 (512) 600-6601

37022
 GENTECH LABORATORIES, LLC—SC
 4403 N. BELTWOOD PKWY., STE 300
 DALLAS, TX 75244
 (866) 658-4485

35228
 GRAVITY DIAGNOSTICS, LLC—SC
 812 RUSSELL STREET
 COVINGTON, KY 41011
 (859) 757-0158

00017
 GSWB A CAMPUS OF GWVMC—S
 25 CHURCH STREET
 WILKES-BARRE, PA 18765
 (570) 808-7845

00024
 GUTHRIE MEDICAL GROUP LAB TROY—S
 275 GUTHRIE LANE
 TROY, PA 16947
 (570) 297-9289

00654
 GUTHRIE MEDICAL GROUP LABORATORIES—S
 ONE GUTHRIE SQUARE
 SAYRE, PA 18840
 (570) 887-4177

00023
 GUTHRIE MEDICAL GRP LAB—TOWANDA—S
 91 HOSPITAL DRIVE
 TOWANDA, PA 18848
 (570) 265-2191

00139
 HANOVER HOSPITAL LABORATORY—S
 300 HIGHLAND AVE
 HANOVER, PA 17331
 (717) 316-2150

35815
 HARMONY CARES DIAGNOSTICS—SC
 500 KIRTS BLVD.
 TROY, MI 48084
 (248) 824-6500

00155
 HARRISBURG HOSPITAL LABORATORY—S
 100 SOUTH 2ND STREET
 HARRISBURG, PA 17101
 (717) 782-3340

35930
 HARVEST LABS, INC—SC
 730 N AVENUE K, SUITE 201
 CROWLEY, LA 70526
 (888) 975-7447

00022
 HEALTH NETWORK LABORATORIES—S
 206 EAST BROWN STREET
 EAST STROUDSBURG, PA 18301
 (570) 476-3370

00169
 HEALTH NETWORK LABORATORIES—S
 1627 WEST CHEW STREET
 ALLENTOWN, PA 18102
 (610) 402-2236

24655
 HEALTH NETWORK LABORATORIES—SC
 794 ROBLE ROAD
 ALLENTOWN, PA 18109-9110
 (610) 402-8150

00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(484) 425-8150

00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(484) 884-2259

36670
HEALTHQUEST ESOTERICS, INC—SC
6 BENDIX
IRVINE, CA 92618
(949) 242-2260

38933
HELIX DIAGNOSTIX—SC
3745 PARK CENTRAL BLVD.
POMPANO BEACH, FL 33064
(754) 307-1945

00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000

00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 749-7364

00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

37187
HIGHLANDS HOSPITAL TOXICOLOGY
LABORATORY—SC
700 PARK STREET, LOWER LEVEL
CONNELLSVILLE, PA 15425
(724) 603-2741

39450
HNL ACL—CARBON—S
2128 BLAKESLEE BLVD., DRIVE E
LEHIGHTON, PA 18235
(484) 425-8215

39535
HNL ACL—DICKSON CITY—S
330 MAIN STREET
DICKSON CITY, PA 18519
(484) 425-8215

38714
HNL-ACL-HECKTOWN OAKS—S
3780 HECKTOWN ROAD
EASTON, PA 18045
(484) 425-5532

00216
HOLY REDEEMER HOSPITAL—S
1648 HUNTINGDON PIKE
MEADOWBROOK, PA 19046
(215) 938-3703

00099
HVS, KENNEDY CAMPUS—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

36118
IDEAL OPTION—SC
8508 W. GAGE BLVD. SUITE A101
KENNEWICK, WA 99336
(509) 222-1275

37831
IDEAL OPTION PLLC—SC
1215 120TH AVE., NE, SUITE 201 & 204
BELLEVUE, WA 98005
(509) 290-1543

36818
INDIANA REGIONAL MEDICAL CENTER—SC
120 IRMC DRIVE
INDIANA, PA 15701
(724) 357-7188

00052
INDIANA REGIONAL MEDICAL CENTER—S
835 HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7160

34295
INFINITI LABS INC—SC
6015 BENJAMIN ROAD, SUITE 315
TAMPA, FL 33634
(813) 886-2616

35507
INTEGRALABS MDG INCORPORATED—SC
136A INDUSTRIAL PARK ROAD
PINEY FLATS, TN 37686
(423) 328-0527

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00192
JEFFERSON HEALTH, NE-BUCKS—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

00236
JEFFERSON HEALTH, NE-FRANKFORD—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

00341
JEFFERSON HEALTH, NE-TORRESDALE—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-2648

00038
JEFFERSON HOSPITAL LABORATORY—S
PO BOX 18119, 565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

37360
KASHI CLINICAL LABORATORIES, INC—SC
10101 SW BARBUR BLVD., SUITE 200
PORTLAND, OR 97219
(503) 206-4989

34192
KEYSTONE LABORATORIES, INC—SC
3 MCDOWELL STREET
ASHEVILLE, NC 28801
(828) 255-0307

21306
LAB CORP OCCUPATIONAL TEST SRVCS—SC
1120 STATELINE ROAD WEST
SOUTHAVEN, MS 38671
(886) 827-8042

36342
LABCORP CENTRAL LABORATORY SERVICES—SC
8211 SCICOR DRIVE
INDIANAPOLIS, IN 46214
(317) 273-1200

20512
LABCORP OCCUPATIONAL TESTING SER—SC
1904 ALEXANDER DRIVE, PO BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 572-6900

01088
LABCORP OF AMERICA HOLDINGS—SC
69 FIRST AVENUE, PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

22715
LABONE LLC DBA QUEST DIAGNOSTICS—SC
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 577-1703

37647
LABQ CLINICAL DIAGNOSTICS—S
140 58 ST. BUILDING A, UNIT 3L
BROOKLYN, NY 11220
(717) 534-5227

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET
LANCASTER, PA 17602
(717) 544-4331

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4623

00010
LEHIGH VALLEY HOSPITAL-HAZLETON
LABORATORY—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4156

34187
LENCO DIAGNOSTIC LABORATORIES INC—SC
1857 86TH STREET
BROOKLYN, NY 11214
(718) 232-1515

35348
LEXAR LABS ANALYSIS, LLC—SC
112 WESTHAMPTON DRIVE
LEXINGTON, KY 40511
(859) 543-2022

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00182
LVH-SCHUYLKILL E NORWEGIAN—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

37916
M1 LABS LLC—SC
1330 STATE ROUTE 14
COLUMBIANA, OH 44408
(330) 892-5191

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3768

00242
MAIN LINE HOSPITALS LAB-LANKENAU—S
100 EAST LANCASTER AVENUE
3RD FLOOR
WYNNEWOOD, PA 19096
(484) 476-3521

00199
MAIN LINE HOSPITALS LAB-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HOSPITALS LAB-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

29685
MAYO CLINIC LABS-ROCH SUPERIOR DR—SC
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-3458

33620
MCKEESPORT DRUG SCREENING LAB—S
339 FIFTH AVENUE, WANDER BLDG, ROOM 208
PITTSBURGH, PA 15132
(412) 664-8871

39021
MD TOX LABORATORY—S
1565 MCGAW AVENUE, SUITE B
IRVINE, CA 92614
(949) 491-8080

00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 333-5514

36586
MED SCREEN LABORATORIES INC.—SC
992 CLIFTON AVE, 2ND FLOOR
CLIFTON, NJ 07013
(914) 393-3148

35673
MEDARBOR LLC DBA MEDARBOR
DIAGNOSTICS—SC
200 RITTENHOUSE CIRCLE, EAST BUILDING
SUITE 1
BRISTOL, PA 19007
(610) 660-8100, X141

34940
MEDCOMP SCIENCES, LLC—SC
20203 MCHOST ROAD
ZACHARY, LA 70791
(225) 570-8486

03298
MEDICAL GROUP OF CORRY RHC—S
315 YORK STREET
CORRY, PA 16407
(814) 664-8686

35682
MEDSCAN LABORATORY, INC—SC
1502 13TH AVE. WEST, SUITE 201
WILLISTON, ND 58801
(701) 577-0498

05574
MEDTOX LABORATORIES INC—SC
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 636-7466

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
1701 INNOVATION DRIVE
YORK, PA 17408
(717) 849-5371

00203
MERCY FITZGERALD HOSPITAL LABORATORY—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4185

28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057

00045
MILLCREEK COMMUNITY HOSP LAB—S
5515 PEACH STREET
ERIE, PA 16509
(814) 864-4031

31050
MILLENUM HEALTH, LLC—SC
16981 VIA TAZON, BUILDING 1
SAN DIEGO, CA 92127
(858) 451-3535

34564
MOLECULAR TESTING LABS—SC
14401 SE 1ST STREET
VANCOUVER, WA 98684
(360) 693-8850

40179
MONARCH DIAGNOSTICS INC.—SC
17791 SKY PARK CIRCLE, SUITE A
IRVINE, CA 92614
(949) 939-2893

00007
MOSES TAYLOR HOSPITAL—S
700 QUINCY AVENUE
SCRANTON, PA 18510
(570) 340-2630

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
2ND FLOOR LABORATORY
ELKINS PARK, PA 19027
(215) 456-6152

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-6215

35947
NASPAC—NJ, PLLC—S
2325 MARYLAND ROAD, SUITE 100
WILLOW GROVE, PA 19090
(215) 657-1315

37004
NASPAC1-CHERRY HILL—C
1601 N KINGS HWY, STE 800
CHERRY HILL, NJ 08034
(856) 888-2602

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SC
200 WELSH ROAD
HORSHAM, PA 19044
(215) 657-4900

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

34725
NEW ERA PHYSICIAN SERVICES, LLC—S
2525 9TH AVENUE, SUITE 2B
ALTOONA, PA 16602
(814) 201-2835

35423
NEXTGEN LABORATORIES—SC
4229 BIRCH ST. STE 130
NEWPORT BEACH, CA 92660
(949) 467-9770

36182
NJMHMC LLC D/B/A HUDSON REGIONAL
HOSPITAL—S
55 MEADOWLANDS PARKWAY
SECAUCUS, NJ 07094
(201) 392-3516

36459
NOAH ASSOCIATES, INC—SC
10501 W. GREENFIELD AVE.
WEST ALLIS, WI 53214
(414) 600-1020

29741
NORTHERN TIER RESEARCH—SC
1302 MADISON AVE
DUNMORE, PA 18509
(570) 351-6153

40244
OMNIA DIAGNOSTICS SERVICES—SC
ONE DUNCAN DRIVE, CEDAR BROOK COMPLEX
CRANBURY, NJ 08512
(609) 642-4033

35679
OMNIHEALTH DIAGNOSTICS—SC
1840 N. GREENVILLE AVENUE, SUITE 176
RICHARDSON, TX 75081
(972) 887-3444

38883
OXFORD CLINICAL LABORATORY—S
397 HALEDON AVENUE, SUITE 4
HALDEON, NJ 07508
(201) 647-3319

23801
PACIFIC TOXICOLOGY LABORATORIES—SC
9348 DE SOTO AVENUE
CHATSWORTH, CA 91311
(818) 598-3110

34837
PAIN AND SPINE SPECIALISTS OF MARYLAND—S
2702 BACK ACRE CIRCLE, SUITE 290B
MOUNT AIRY, MD 21771
(301) 703-8767

36349
PARADIGM LABS, LLC—SC
249 REDFERN VILLAGE
ST. SIMONS ISLAND, GA 31522
(912) 342-2443

00250
PARKWAY CLINICAL LABORATORIES—SC
3494 PROGRESS DRIVE
BENSALEM, PA 19020
(215) 245-5112

33054
PATHOLOGY LABORATORIES, INC.—S
1946 NORTH 13TH STREET, SUITE 301
TOLEDO, OH 43604
(419) 255-4600

37287
PATIENTS CHOICE LABORATORIES OF INDIANA,
LLC—SC
7026 CORPORATE DRIVE
INDIANAPOLIS, IN 46278
(317) 299-5227

33194
PEACHSTATE HEALTH MANAGEMENT—C
2225 CENTENNIAL DRIVE
GAINESVILLE, GA 30504
(678) 276-8412

00053
PENN HIGHLANDS—BROOKVILLE—S
100 HOSPITAL ROAD
BROOKVILLE, PA 15825
(814) 849-2312

00027
PENN HIGHLANDS DUBOIS—S
100 HOSPITAL AVENUE
DUBOIS, PA 15801
(814) 371-2200

00032
PENN HIGHLANDS ELK—S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00108
PENN HIGHLANDS MON VALLEY—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

38878
PENN STATE HEALTH HAMPDEN MED. CTR.
LABORATORY—S
2200 GOOD HOPE ROAD
ENOLA, PA 17025
(717) 857-0020

39750
PENN STATE HEALTH LANCASTER MEDICAL
CENTER—S
2160 STATE ROAD
LANCASTER, PA 17601
(223) 287-8135

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SC
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

00251
PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREET
PHILADELPHIA, PA 19107
(215) 829-3541

33387
PENNSYLVANIA PAIN AND SPINE—SC
1500 HORIZON CR., SUITE 102B
CHALFONT, PA 18914
(215) 395-8888

36582
PGN LAB, LLC—SC
7847 SW ELLIPSE WAY, C-15
STUART, FL 34997
(772) 291-2629

00026
PH DUBOIS, CLEARFIELD CAMPUS—S
809 TURNPIKE AVENUE, PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280

31082
PHAMATECH INC—SC
15175 INNOVATION DRIVE
SAN DIEGO, CA 92128
(858) 643-5555

32887
PHOENIX TOXICOLOGY & LAB SERVICES—SC
2432 W PEORIA AVE, # 1064
PHOENIX, AZ 85029
(602) 374-4097

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD, DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1000

33621
PITTSBURGH DRUG SCREENING LAB—S
440 ROSS STREET, SUITE 2033
PITTSBURGH, PA 15219
(412) 350-5808

40263
PLATINUM DIAGNOSTICS LLC—C
3 CORNWALL DRIVE, SUITE 100
EAST BRUNSWICK, NJ 08816
(267) 293-3360

00221
POTTSTOWN HOSPITAL—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7130

33487
PRECISION TOXICOLOGY, LLC—SC
4215 SORRENTO VALLEY BLVD
SAN DIEGO, CA 92121
(800) 635-6901

34191
PREMIER BIOTECH LABS, LLC—SC
723 KASOTA AVE SE
MINNEAPOLIS, MN 55414
(855) 718-6917

40536
PREMIER BRAIN AND SPINE LLC—SC
2500 MORRIS AVENUE, SUITE 220
UNION, NJ 07083
(732) 983-5150

39451
PREMIER LAB SOLUTIONS—SC
3440 N. 16TH STREET, SUITE 101
PHOENIX, AZ 85016
(602) 441-2808

35108
PREMIER MEDICAL LABORATORY SERVICES—SC
6000A PELHAM ROAD
GREENVILLE, SC 29615
(864) 862-0517

34030
PRINCIPLE LABS, LLC—SC
2550 BROADHEAD ROAD, SUITE 105
BETHLEHEM, PA 18020-8922
(484) 353-6661

35172
PROGRESSIVE DIAGNOSTICS, LLC—SC
35 NUTMEG DRIVE, SUITE 303
TRUMBULL, CT 06611
(888) 503-8803

00130
PSH HOLY SPIRIT MEDICAL CENTER—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2191

21648
PSYCHEMEDICS CORPORATION—SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
(800) 522-7424

00255
PUBLIC HEALTH LAB CITY OF PHILADELPHIA—S
500 SOUTH BROAD STREET, RM 359
PHILADELPHIA, PA 19146
(215) 685-6501

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820

40297
PURITY DIAGNOSTIC—SC
72 B STATE ROUTE 34
OLD BRIDGE, NJ 08857
(732) 762-1930

36980
QR DIAGNOSTICS LLC—SC
12734 KENWOOD LN., UNIT 68
FORT MYERS, FL 33907
(239) 330-4573

36012
QUALITY LABORATORY SERVICE—SC
2124 MORRIS AVE
UNION, NJ 07083
(908) 686-2300

34644
QUALITY LABORATORY SERVICES—SC
2651 EAST 14TH STREET
BROOKLYN, NY 11235
(718) 646-5100

00669
QUEST DIAGNOSTICS INCORPORATED—S
1 INSIGHTS DRIVE
CLIFTON, NJ 07012
(201) 393-5895

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC
14225 NEWBROOK DRIVE
CHANTILLY, VA 20151
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—SC
875 GREENTREE ROAD, 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SC
875 GREENTREE ROAD, 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7867

34188
RADEAS LLC—SC
907 GATEWAY COMMONS CIRCLE, SUITE 100
WAKE FOREST, NC 27587
(919) 435-6669

35692
RCA LABORATORY SERVICES—S
4060 INNSLAKE DRIVE
GLEN ALLEN, VA 23060
(804) 346-4363

00150
READING HOSPITAL LABORATORY—S
420 S 5TH AVE
WEST READING, PA 19611
(484) 628-8615

34074
REALTOX LABS LLC—SC
200 BUSINESS CENTER DRIVE
REISTERTOWN, MD 21136
(410) 833-3025

- 36232
RED LION PAIN AND PRIMARY CARE—SC
718 S. MAIN STREET
RED LION, PA 17356
(717) 244-8504
- 25348
REDWOOD TOXICOLOGY LABORATORY—SC
3650 WESTWIND BOULEVARD
SANTA ROSA, CA 95403
(707) 577-7958
- 00336
REGIONAL HOSPITAL OF SCRANTON—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100
- 29015
REGIONAL TOXICOLOGY SERVICES—SC
2617 EAST L STREET # A
TACOMA, WA 98421-2205
(253) 552-1551
- 32372
REGIONAL WOMENS HEALTH—S
450 CRESSON BLVD.
SUITE 305-307
OAKS, PA 19456
(484) 842-0717
- 35000
RIDGEWOOD DIAGNOSTIC LABORATORY—SC
126 STATE STREET, 2ND FLOOR
HACKENSACK, NJ 07601
(973) 542-2343
- 27779
RNJ SERVICES—S
35-37 PROGRESS STREET, SUITE B6
EDISON, NJ 08820
(908) 754-4300
- 00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394
- 30821
RXTOX INC—SC
51 PROF PLAZA, 850 CLAIRTON BLVD, SUITE 1300
PITTSBURGH, PA 15236
(412) 460-1310
- 00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 942-3800
- 00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558
- 00328
SAINT MARY MEDICAL CENTER-PATH LAB—S
1201 LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162
- 29838
SAN DIEGO REFERENCE LABORATORY—SC
6565 NANCY RIDGE DRIVE
SAN DIEGO, CA 92121
(800) 677-7995
- 35681
SCHUYLER HOSPITAL—S
220 STEUBEN ST
MONTOUR FALLS, NY 14856
(604) 274-4474
- 36007
SCIENTIFIC LABORATORY COMPANY LLC—SC
3395 LAKE WORTH ROAD, SUITES 1 & 2
PALM SPRINGS, FL 33461
(561) 855-2479
- 36741
SE PA PAIN MANAGEMENT, LTD—SC
508 PRUDENTIAL RD, SUITE 500
HORSHAM, PA 19044
(855) 235-7246
- 29038
SECON OF NEW ENGLAND DBA CORDANT HEALTH
SOLUTIONS—S
415 MAIN STREET, 4TH FLOOR
WORCESTER, MA 01608
(508) 831-0703
- 00064
SHARON REGIONAL LAB SERVICES—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3914
- 00171
SLUHN SACRED HEART CAMPUS—S
421 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 776-4720
- 27649
SMA MEDICAL LABORATORIES—SC
940 PENNSYLVANIA BOULEVARD, UNIT E
FEASTERVILLE, PA 19053
(215) 322-6590
- 34171
SONIC REFERENCE LABORATORY, INC—C
3800 QUICK HILL ROAD, BUILDING 3, SUITE 101
AUSTIN, TX 78728
(512) 531-2100
- 35875
SPECTOR SCIENTIFIC LAB—C
160 SW 12TH AVE, UNIT 103B
DEERFIELD BEACH, FL 33442
(561) 507-0522
- 35762
ST. ANTHONY MEDICAL LABORATORIES—S
654 AVENUE C, SUITE # 303
BAYONNE, NJ 07002
(201) 455-8940
- 00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
160 EAST ERIE AVENUE
DEPT OF PATHOLOGY & LAB MEDICINE
PHILADELPHIA, PA 19134-1095
(215) 427-3165
- 00151
ST JOSEPH QUALITY MEDICAL LAB—S
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

- 00180
ST LUKE'S HOSPITAL MINERS CAMPUS—S
360 WEST RUDDLE STREET, PO BOX 67
COALDALE, PA 18218
(570) 645-8271
- 35019
ST LUKE'S MONROE CAMPUS LABORATORY—S
100 ST LUKE'S LANE
STROUDSBURG, PA 18360
(484) 514-3606
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8723
- 32021
ST. LUKE'S HOSPITAL-ANDERSON LAB—S
1872 ST. LUKE'S BLVD.
EASTON, PA 18045
(484) 503-1075
- 38867
ST. LUKE'S HOSPITAL CARBON CAMPUS—S
500 ST. LUKE'S DRIVE
LEHIGHTON, PA 18235
(610) 377-7084
- 00175
ST. LUKE'S HOSPITAL EASTON CAMPUS—S
250 SOUTH 21ST STREET
EASTON, PA 18042
(610) 250-4819
- 00195
ST. LUKE'S UPPER BUCKS CAMPUS—S
3000 ST. LUKE'S WAY
QUAKERTOWN, PA 18951
(267) 985-0038
- 37359
STAR LABORATORY CORPORATION—SC
125 FLEMING STREET
PISCATAWAY, NJ 08854
(732) 529-5100
- 31613
STEELFUSION CLINICAL TOXICOLOGY
LABORATORY, LLC—SC
1103 DONNER AVE
MONESSEN, PA 15062
(724) 691-0263
- 00219
SUBURBAN COMMUNITY HOSPITAL—S
2701 DEKALB PIKE
EAST NORRITON, PA 19401
(610) 278-2075
- 36199
SUNRISE CLINICAL LAB LLC—SC
22 BALL STREET, SECOND FLOOR
IRVINGTON, NJ 07111
(973) 877-8358
- 34011
SURETOX LABORATORY—SC
241 MOLNAR DR, UNIT A1
ELMWOOD PARK, NJ 07407-2041
(201) 791-7293
- 33368
SYNERGY MEDICAL LABORATORIES, PC—C
152 STATE ROUTE 35
KEYPORT, NJ 07735
(732) 792-3609
- 00207
TAYLOR HOSPITAL LABORATORY—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 447-2232
- 27246
TECHNICAL RESOURCE MGMT—SC
1760 EAST ROUTE 66, SUITE 1
FLAGSTAFF, AZ 86004
(928) 526-1011
- 00227
TEMPLE HEALTH-CHESTNUT HILL HOSPITAL—S
DEPARTMENT OF PATHOLOGY
8835 GERMANTOWN AVENUE
PHILADELPHIA, PA 19118
(215) 707-8366
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4470
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 NORTH BROAD STREET
DEPT OF PATH & LAB MED—RM B243, OPB
PHILADELPHIA, PA 19140
(215) 707-9560
- 00240
TEMPLE UNIVERSITY HOSPITAL—
JEANES CAMPUS—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2248
- 36013
TESTING MATTERS, INC—SC
14001 NW 4TH ST.
SUNRISE, FL 33325
(954) 268-1470, X1003
- 35318
THE OCCUPATIONAL HEALTH CENTER-
SAINT VINCENT—S
2501 W. 12TH STREET, SUITE C7
ERIE, PA 16505
(814) 452-7879
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 S 11TH STREET, 204 FOERDERER PAVILION
PHILADELPHIA, PA 19107
(215) 955-3941
- 34652
THREE RIVERS DIAGNOSTICS—SC
115 TECHNOLOGY DRIVE
PITTSBURGH, PA 15275
(412) 326-8570
- 34847
THREE RIVERS PAIN MANAGEMENT—SC
8628 INDUSTRIAL PARKWAY, UNIT E, SUITE 104
PLAIN CITY, OH 43064
(724) 812-5580

6300

34314
 THYROID SPECIALTY LABORATORY, INC—C
 1636 HEADLAND DRIVE
 FENTON, MO 63026
 (314) 200-3040

00051
 TITUSVILLE AREA HOSPITAL—S
 406 WEST OAK STREET
 TITUSVILLE, PA 16354
 (814) 827-1851

36731
 TRINITY MEDICAL LABORATORIES LLC—SC
 3 EVES DRIVE, SUITE 300
 MARLTON, NJ 08053
 (856) 334-9496

34190
 TRUETOX LABORATORIES, LLC—SC
 50 ROSE PLACE
 GARDEN CITY PARK, NY 11040
 (516) 741-1501

00124
 TYRONE HOSPITAL—S
 187 HOSPITAL DRIVE
 TYRONE, PA 16686
 (814) 684-6384

34997
 UNITED CLINICAL LABORATORY LLC—SC
 2257 VISTA PARKWAY, SUITE 2
 WEST PALM BEACH, FL 33411
 (844) 291-4292

36800
 UNITED CLINICAL LABORATORY OF NEW JERSEY
 LLC—SC
 373 E US ROUTE 46, W UNIT 111
 FAIRFIELD, NJ 07004
 (862) 210-8456

00119
 UPMC ALTOONA LAB—S
 620 HOWARD AVENUE
 ALTOONA, PA 16601-4899
 (814) 889-2340

00121
 UPMC BEDFORD MEMORIAL—S
 10455 LINCOLN HIGHWAY
 EVERETT, PA 15537
 (814) 623-3506

32389
 UPMC EAST PATHOLOGY LABORATORY—S
 2775 MOSSIDE BLVD
 GROUND FLOOR, ROOM 0304
 MONROEVILLE, PA 15146
 (412) 357-3682

00046
 UPMC HAMOT—S
 201 STATE STREET, 4TH FLOOR WEST
 ERIE, PA 16550
 (814) 877-3131

00059
 UPMC HORIZON GREENVILLE—S
 110 NORTH MAIN STREET
 GREENVILLE, PA 16125
 (724) 588-2100

NOTICES

00057
 UPMC HORIZON SHENANGO—S
 2200 MEMORIAL DRIVE
 FARRELL, PA 16121
 (724) 981-3500

00054
 UPMC JAMESON—S
 1211 WILMINGTON AVENUE
 NEW CASTLE, PA 16105
 (724) 656-4082

00098
 UPMC MCKEESPORT LABORATORY—S
 1500 FIFTH AVENUE
 MCKEESPORT, PA 15132
 (412) 664-2233

00082
 UPMC MERCY DEPT OF LAB MEDICINE—S
 1400 LOCUST STREET
 PITTSBURGH, PA 15219
 (412) 232-7624

00035
 UPMC MUNCY LABORATORY—S
 215 EAST WATER ST
 MUNCY, PA 17756
 (570) 546-8282

00058
 UPMC NORTHWEST—S
 100 FAIRFIELD DRIVE
 SENECA, PA 16346
 (814) 676-7120

00084
 UPMC PASSAVANT—S
 9100 BABCOCK BLVD, GROUND FLOOR, T BUILDING
 PITTSBURGH, PA 15237
 (412) 367-6700

05784
 UPMC PASSAVANT LABORATORY CRANBERRY—S
 ONE ST FRANCIS WAY
 CRANBERRY TOWNSHIP, PA 16066
 (724) 772-5370

00131
 UPMC PINNACLE CARLISLE—S
 361 ALEXANDER SPRING ROAD
 CARLISLE, PA 17015-9129
 (717) 960-3336

00166
 UPMC PINNACLE LITITZ—S
 1500 HIGHLANDS DRIVE
 LITITZ, PA 17543
 (717) 625-5572

00083
 UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC
 UPMC CLINICAL LABORATORY BUILDING
 3477 EULER WAY
 PITTSBURGH, PA 15213
 (412) 647-5855

00091
 UPMC SAINT MARGARET HOSPITAL
 LABORATORY—S
 815 FREEPORT ROAD
 PITTSBURGH, PA 15215
 (412) 784-4000

- 00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE, GROUND FLOOR
WEST WING
PITTSBURGH, PA 15232
(412) 623-5950
- 00297
UPMC SOMERSET HOSPITAL—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5215
- 00039
UPMC WELLSBORO LABORATORY—S
32-36 CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133
- 00037
UPMC WILLIAMSPORT LABORATORY—S
700 HIGH STREET
WILLIAMSPORT, PA 17701-3198
(570) 321-2300
- 00030
UPMC WILLIAMSPORT OP EMERG DEPT.—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5033
- 27225
US DRUG TESTING LABORATORIES INC—SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
(847) 375-0770
- 36977
VERO DIAGNOSTICS—SC
3216 S. ALSTON AVENUE
DURHAM, NC 27713
(919) 341-1255
- 34702
VISION LABORATORIES LLC—SC
6130 SHALLOWFORD ROAD, SUITE 100
CHATTANOOGA, TN 37421
(844) 484-3522
- 34864
VITAE DIAGNOSTICS—SC
3848 DEL AMO BLVD, SUITE 303
TORRANCE, CA 90503
(310) 376-5812
- 39537
VITAL PAIN CENTER, LLC—S
363 VANADIUM ROAD, SUITE 106
PITTSBURGH, PA 15243
(412) 279-1231
- 00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860
- 00105
WASHINGTON HEALTH SYSTEM GREENE—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2640
- 00111
WASHINGTON HEALTH SYSTEM LAB—S
155 WILSON AVE
WASHINGTON, PA 15301
(724) 223-3120
- 00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300
- 00133
WAYNESBORO HOSPITAL LABORATORY—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403
- 00018
WBGH COMMONWEALTH HEALTH LAB SVS—SC
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111
- 00095
WEST PENN HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779
- 33480
WEST SHORE HOSP LABORATORY—S
1995 TECHNOLOGY PKWY
MECHANICSBURG, PA 17050
(717) 782-3128
- 34586
WESTERN SLOPE LABORATORY, LLC—SC
1197 ROCHESTER ROAD, SUITE K
TROY, MI 48083
(248) 307-1168
- 00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4896
- 00299
WS GOOD SAMARITAN HOSPITAL LAB SERVICES—S
252 S. 4TH STREET
LEBANON, PA 17042
(717) 270-7500
- 36227
XERON CLINICAL LABORATORIES, INC.—SC
629 SPRINGFIELD ROAD
KENILWORTH, NJ 07033
(844) 762-9522
- 00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464. Persons who are speech or hearing impaired may 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. 23-1369. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under The Clinical Laboratory Act

The following laboratories are licensed in accordance with The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is reportable. Approved laboratories that offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories:

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ($\mu\text{g}/\text{dL}$) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests of 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests of less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting

purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 $\mu\text{g}/\text{dL}$ or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 $\mu\text{g}/\text{dL}$.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory, as well as the personnel and testing procedures, can change. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test, the clinical laboratory permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology) which are administered by the Centers for Medicare & Medicaid Services. Successful participation in the Department's proficiency testing program will satisfy the compliance requirements for both the Department and Centers for Medicare & Medicaid Services.

Questions regarding this list should be directed to Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

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The symbols L and P indicate the following:

L = approved for blood lead analyses

P = approved for erythrocyte protoporphyrin analyses

LP = approved for blood lead and erythrocyte protoporphyrin analyses

20978

ABW ST. LUKES PEDIATRICS—L
834 EATON AVE. SUITE # 201
BETHLEHEM, PA 18018
(484) 526-7722

27431

ABW ST. LUKE'S PEDIATRICS—L
487 EAST MOORESTOWN ROAD
SUITE 105
WIND GAP, PA 18091
(601) 863-8200

34235
ABW ST. LUKES PEDIATRICS—L
6651 SILVER CREST ROAD, SUITE 103
BATH, PA 18014
(484) 526-7360

31609
ACCU REFERENCE MEDICAL LABORATORY—L
1901 EAST LINDEN AVENUE
SUITE 4
LINDEN, NJ 07036
(908) 474-1004

04439
AHN HEALTH & WELLNESS PAVILION E—L
4950 BUFFALO ROAD
ERIE, PA 16510
(814) 899-7000

28416
AHN PEDIATRICS, ARCADIA—L
9795 PERRY HIGHWAY, SUITE 100
WEXFORD, PA 15090
(412) 358-9548

10167
AHN PEDIATRICS CHARTIERS—L
1370 WASHINGTON PIKE, SUITE 107
BRIDGEVILLE, PA 15017
(412) 221-0160

28994
AHN PEDIATRICS EDGEWOOD—L
1789 S. BRADDOCK AVE., SUITE 294
PITTSBURGH, PA 15218
(412) 325-5200

30286
AHN PEDIATRICS FOX CHAPEL—L
3394 SAXONBURG BLVD, SUITE 600
GLENSHAW, PA 15116
(412) 767-0707

34549
AHN PEDIATRICS JEFFERSON—L
1200 BROOKS LANE, SUITE 130
JEFFERSON MEDICAL ARTS BLDG
JEFFERSON HILLS, PA 15025
(412) 460-8111

28764
AHN PEDIATRICS MCMURRAY—L
3001 WATERDAM PLAZA
SUITE 200
MCMURRAY, PA 15317
(724) 941-2747

39940
AHN PEDIATRICS—MONTOUR—L
2419 STATE AVENUE (ROUTE 51)
CORAPOLIS, PA 15108
(412) 625-2630

22712
AHN PEDS PAL GREENTREE—L
969 GREENTREE ROAD
PRIMARY CARE CENTER OF GREENTREE
PITTSBURGH, PA 15220
(412) 922-5250

26609
AHN PEDS PAL NORTHLAND 7 FIELDS—L
100 NORTH POINTE CIRCLE, STE 101
SEVEN FIELDS, PA 16046
(724) 772-0777

24516
AHN PEDS PAL NORTHLAND CRANBERRY—L
TWO LANDMARK NORTH
SUITE 136 20397 ROUTE 19 NORTH
CRANBERRY TOWNSHIP, PA 16066
(724) 776-6030

01543
AHN PEDS/ALLEGHENY CLINIC PEDS—L
4721 MCKNIGHT RD, SUITE 209N
PITTSBURGH, PA 15237
(412) 366-5550

02125
AHN, PEDIATRICS, ST. CLAIR—L
1580 MCLAUGHLIN RUN ROAD
PINERIDGE COMMONS SUITE 208
UPPER ST CLAIR, PA 15241
(412) 221-2121

22604
ALLEGHENY HEALTH & WELLNESS PAVILION—L
4247 WEST RIDGE ROAD, SUITE 105
ERIE, PA 16506
(814) 838-2468

00016
ANGELINE KIRBY MEM HEALTH CENTER—L
71 NORTH FRANKLIN STREET
WILKES-BARRE, PA 18701
(570) 822-4278

21613
ARUP LABORATORIES INC—LP
500 CHIPETA WAY
SALT LAKE CITY, UT 84108
(800) 242-2787

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—LP
3520 PROGRESS DRIVE, UNIT C
BENSALEM, PA 19020
(267) 525-2470

20364
BEITTEL-BECKER LABORATORY—L
2150 NOLL DRIVE, SUITE 100
LANCASTER, PA 17603
(717) 299-8933

22757
BIOREFERENCE LABORATORIES INC—L
481 EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600

36638
BTAMC PEDIATRIC & FAMILY HEALTH CARE—L
6678 TOWNE CENTER BLVD.
HUNTINGDON, PA 16652
(814) 506-8490

30248
CARING HANDS PEDIATRICS—L
300 CEDAR RIDGE DRIVE, SUITE 309
PITTSBURGH, PA 15205
(412) 921-2345

30249
CARING HANDS PEDIATRICS—L
105 BRAUNLICH DRIVE, SUITE 102
PITTSBURGH, PA 15237
(412) 369-7720

02526
CARLISLE PEDIATRIC ASSOCS LAB—L
804 BELVEDERE STREET
CARLISLE, PA 17013
(717) 243-1943

26490
CCP HOPE NORTHWEST—L
3512 STATE ROUTE 257, SUITE 106
SENECA, PA 16346
(814) 677-3717

00228
CHILDRENS HOSP OF PHILADELPHIA—L
3401 CIVIC CENTER BLVD
MAIN BLDG—5TH FLOOR—ROOM 5135
PHILADELPHIA, PA 19104
(215) 590-4446

27845
CLINICAL REFERENCE LABORATORY—LP
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 693-5481

39945
CONYNGHAMN PRIMARY HEALTH CARE
CENTER—L
335 SOUTH FRANKLIN STREET
WILKES-BARRE, PA 18702
(570) 301-0924

27598
CORNERSTONE CARE—CENTRAL GREENE
PEDIATRICS—L
236 ELM DRIVE, SUITE 101
WAYNESBURG, PA 15370
(724) 627-0926

31847
DOCTOR'S DATA, INC—L
3755 ILLINOIS AVENUE
ST CHARLES, IL 60174-2420
(630) 377-8139

25658
EAST LIBERTY FAMILY HEALTH CARE CENTER—L
7157 MARY PECK BOND PLACE
PITTSBURGH, PA 15206
(412) 361-8284

20306
EAST LIBERTY FAMILY HEALTH CTR—L
6023 HARVARD STREET
PITTSBURGH, PA 15206
(412) 661-2802

00561
EAST PENN MFG CO INC—LP
DEKA RD KELLER TECH CENTER
PO BOX 147
LYONS STATION, PA 19536
(610) 682-6361

25549
EAST SUBURBAN PEDIATRICS—L
40 LINCOLN WAY, SUITE 400
NORTH HUNTINGDON, PA 15642
(724) 863-8811

29302
EAST SUBURBAN PEDIATRICS—L
2566 HAYMAKER ROAD, SUITE 106
MONROEVILLE, PA 15146
(412) 858-2777

10390
EAST SUBURBAN PEDIATRICS LTD—L
4262 OLD WILLIAM PENN HWY, SUITE 208
MURRYSVILLE, PA 15668
(724) 325-2133

32339
EDEN PARK PEDIATRIC ASSOCIATES
MOUNT JOY—L
779 E MAIN STREET
MOUNT JOY, PA 17552
(717) 569-8518

29462
EDEN PARK PEDIATRIC ASSOCIATES—L
4221 OREGON PIKE
EPHRATA, PA 17522
(717) 569-8518

10266
EDEN PARK PEDIATRIC ASSOCIATES—L
1725 OREGON PIKE
LANCASTER, PA 17601
(717) 569-8518

31378
ENZO CLINICAL LABS—L
60 EXECUTIVE BLVD
FARMINGDALE, NY 11735
(631) 755-5500

10324
FORBES FAMILY MEDICINE—L
2550 MOSSIDE BLVD, SUITE 500
MONROEVILLE, PA 15146
(412) 457-1077

31400
FRANCES WARDE MEDICAL LABORATORY—LP
300 WEST TEXTILE ROAD
ANN ARBOR, MI 48108
(734) 214-0300

00173
GEISINGER MEDICAL CENTER—L
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-7443

25914
GENOVA DIAGNOSTICS—L
63 ZILICOA STREET
ASHEVILLE, NC 28801
(828) 253-0621

10395
GETTYSBURG PEDIATRICS—L
11 HUNTERS TRAIL
GETTYSBURG, PA 17325
(717) 334-7681

01170
GRAHAM MEDICAL CLINIC—L
100 SOUTH HIGH STREET
NEWVILLE, PA 17241
(717) 776-3114

21344
GREEN TREE MEDICAL ASSOCIATE LAB—L
651 HOLIDAY DRIVE, FOSTER PLAZA FIVE
PITTSBURGH, PA 15220
(412) 922-8490

31348
GREENVILLE COMMUNITY HEALTH CENTER—L
348 MAIN STREET
GREENVILLE, PA 16125
(724) 588-5250

- 01711
HANOVER PEDIATRICS—L
217 BROADWAY
HANOVER, PA 17331
(717) 632-3911
- 34095
HARBORVIEW MED CNTR, DEPT OF LAB
MEDICINE—P
325 9TH AVE. ROOM GWH-47
SEATTLE, WA 98104
(206) 897-5201
- 24655
HEALTH NETWORK LABORATORIES—L
794 ROBLE ROAD
ALLENTOWN, PA 18109-9110
(610) 402-8150
- 01933
HERITAGE VALLEY PEDIATRICS—L
250 COLLEGE AVENUE
BEAVER, PA 15009
(724) 774-4070
- 02115
HERITAGE VALLEY PEDIATRICS—L
301 OHIO RIVER BLVD., SUITE 200
SEWICKLEY, PA 15143
(412) 417-2622
- 20999
HERITAGE VALLEY PEDIATRICS—L
2032 BRODHEAD ROAD
ALBUQUERQUE, PA 15001
(724) 375-6161
- 21628
HERITAGE VALLEY PEDIATRICS—L
2580 CONSTITUTION BLVD.
BEAVER FALLS, PA 15010
(724) 773-6842
- 29054
HILLTOP COMMUNITY HEALTHCARE CENTER—L
151 RUTH STREET
PITTSBURGH, PA 15211
(412) 431-3520
- 29136
KIDS CARE PEDIATRICS—L
108 HORNER LANE
LATROBE, PA 15650
(724) 537-2131
- 33090
KIDS PLUS PEDIATRICS—L
671 CASTLE CREEK DRIVE
SEVEN FIELDS, PA 16046
(724) 761-2020
- 28267
KIDS PLUS PEDIATRICS PC—L
4070 BEECHWOOD BLVD
PITTSBURGH, PA 15217
(412) 521-6511
- 10158
KIDS PLUS PEDIATRICS PC—L
810 CLAIRTON BLVD, SUITE 100
PITTSBURGH, PA 15236
(412) 466-5004
- 21885
LAB CORP OF AMERICA HOLDINGS—LP
1447 YORK COURT
BURLINGTON, NC 27215
(336) 436-2153
- 05618
LAB CORP OF AMERICA HOLDINGS—LP
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300
- 01088
LABCORP OF AMERICA HOLDINGS—LP
69 FIRST AVENUE, PO BOX 500
RARITAN, NJ 08869
(908) 526-2400
- 33653
LANCASTER GENERAL DOWNTOWN FAMILY
MEDICINE—L
540 N. DUKE STREET, 3RD FLOOR
LANCASTER, PA 17602
(717) 544-4142
- 23380
LANCASTER PEDIATRIC ASSOC LTD—L
222 WILLOW VALLEY LAKES DRIVE
SUITE 100
WILLOW STREET, PA 17584-9463
(717) 464-9555
- 10270
LANCASTER PEDIATRIC ASSOCIATES—L
2106 HARRISBURG PIKE
SUITE 1 MED OFFICE, PO BOX 3200
LANCASTER, PA 17601
(717) 291-5931
- 02555
LEHIGH VALLEY PEDIATRIC ASSOC—L
401 NORTH 17TH STREET, STE 307
ALLENTOWN, PA 18104
(610) 434-2162
- 25678
LEHIGH VALLEY PEDIATRIC ASSOC INC—L
612 ELM ST
BETHLEHEM, PA 18018
(610) 865-3151
- 34187
LENCO DIAGNOSTIC LABORATORIES INC—L
1857 86TH STREET
BROOKLYN, NY 11214
(718) 232-1515
- 37668
LUZ MEDICINE, PC—L
29 CLOISTER AVENUE
EPHRATA, PA 17522
(717) 844-9003
- 01163
LVPG-FAMILY MEDICINE—SOUTHSIDE—L
1648 S. 4TH STREET
ALLENTOWN, PA 18103
(610) 791-5930
- 10180
LVPG PEDIATRICS—BROAD ST—L
564 W BROAD STREET
HAZLETON, PA 18201
(570) 501-6400
- 23799
LVPG PEDIATRICS—CENTER VALLEY—L
3800 SIERRA CIRCLE, SUITE 100
CENTER VALLEY, PA 18034
(484) 664-2090

- 37009
LVPG PEDIATRICS—EASTON—L
2401 NORTHAMPTON ST., SUITE 210
EASTON, PA 18045
(484) 591-7470
- 04053
LVPG PEDIATRICS—FOGELSVILLE—L
1431 NURSERY STREET, SUITE 102
FOGELSVILLE, PA 18051
(610) 821-4920
- 23471
LVPG PEDIATRICS—LAURYS STATION—L
5649 WYNNEWOOD DRIVE, SUITE 104
LAURYS STATION, PA 18059
(610) 262-6641
- 20350
LVPG PEDIATRICS—LEHIGHTON—L
363 N. 1ST STREET
LEHIGHTON, PA 18235
(610) 377-6969
- 32891
LVPG—PEDIATRICS—MADISON FARMS—L
4807 FREEMANSBURG AVENUE, SUITE 100
EASTON, PA 18045
(484) 591-7620
- 35574
LVPG PEDIATRICS—PALMER TOWNSHIP—L
3701 CORRIER ROAD, SUITE 10
EASTON, PA 18045
(484) 591-7060
- 39286
LVPG PEDIATRICS—PENNSBURG—L
101 W. 7TH STREET
PENNSBURG, PA 18073
(484) 763-5275
- 31930
LVPG PEDIATRICS—PLAZA COURT—L
500 PLAZA CT., SUITE A
EAST STROUDSBURG, PA 18301
(570) 476-3585
- 23472
LVPG PEDIATRICS—POND ROAD—L
PARAGON CENTER BLDG.
1611 POND ROAD, SUITE 400
ALLENTOWN, PA 18104
(610) 395-4300
- 35624
LVPG PEDIATRICS—RICHLAND TOWNSHIP—L
320 W. PUMPING STATION ROAD
QUAKERTOWN, PA 18951
(484) 591-7471
- 37144
LVPG PEDIATRICS—STROUDWEST—L
205 APPLGATE RD., SUITE 101
STROUDSBURG, PA 18360
(570) 476-3585
- 36865
LVPG PEDIATRICS—TOBYHANNA—L
100 COMMUNITY DRIVE, SUITE 202
TOBYHANNA, PA 18466
(570) 476-3585
- 28292
LVPG PEDIATRICS—TREXLERTOWN—L
6900 HAMILTON BLVD., P.O. BOX 60
TREXLERTOWN, PA 18087
(610) 402-2600
- 33419
LVPG PEDIATRICS—WEST BROAD—L
325 W. BROAD STREET, 2ND FLOOR
BETHLEHEM, PA 18018
(484) 626-9222
- 37210
LVPG PEDIATRICS—WEST END—L
120 BURRUS BLVD.
BRODHEADSVILLE, PA 18322
(570) 476-3585
- 36481
LVPG PEDIATRICS—WHITEHALL—L
3691 CRESCENT CIRCLE
WHITEHALL, PA 18052
(610) 262-6641
- 29685
MAYO CLINIC LABS-ROCH SUPERIOR DR—L
3050 SUPERIOR DRIVE, NW
ROCHESTER, MN 55901
(507) 538-3458
- 09003
MAYO CLINIC LABS-ROCHESTER MAIN
CAMPUS—P
200 FIRST STREET, SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018
- 24668
MCMURRAY PEDIATRIC & ADOLESCENT
MEDICINE—L
6000 WATERDAM PLAZA DRIVE # 280
MCMURRAY, PA 15317
(724) 941-8199
- 28806
MEDIA PEDIATRICS—L
401 MOORE ROAD
WALLINGFORD, PA 19086
(610) 565-3336
- 05574
MEDTOX LABORATORIES INC—LP
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 636-7466
- 40082
METRO COMMUNITY HEALTH CENTER—L
1789 S. BRADDOCK AVENUE, SUITE 395
PITTSBURGH, PA 15218
(412) 941-2310
- 26760
METRO FAMILY PRACTICE, INC.—L
1789 S BRODDOCK AVENUE, SUITE 410
PITTSBURGH, PA 15218
(412) 247-2310
- 10233
MNPGE DEPT OF PEDIATRICS—L
3901 SOUTH ATHERTON STREET, SUITE 5
STATE COLLEGE, PA 16801
(814) 466-7921
- 22325
MNPGE DEPT. OF PEDIATRICS—L
129 MEDICAL PARK LANE
BELLEFONTE, PA 16823
(814) 466-7921

00504
NATIONAL MED SVCS INC-DBA/NMS LABS—LP
200 WELSH ROAD
HORSHAM, PA 19044
(215) 657-4900

30553
NATIONWIDE CHILDRENS HOSPITAL—L
CORE LAB AND LAB INFORMATION SYSTEMS
700 CHILDRENS DRIVE
COLUMBUS, OH 43205
(614) 722-5335

37445
NHCLV—BROAD ST—L
635 E. BROAD ST
BETHLEHEM, PA 18018
(610) 820-7605

31166
NHCLV—CASA—L
218 NORTH SECOND STREET
ALLENTOWN, PA 18102
(610) 841-8400

30162
NHCLV—DONEGAN—L
1210 E 4TH STREET
BETHLEHEM, PA 18015
(610) 820-7605

39725
NHCLV—HAMILTON—L
160 HAMILTON STREET
ALLENTOWN, PA 18101
(610) 820-7605

35491
NHCLV AT TWO RIVERS—L
1101 NORTHAMPTON ST.
EASTON, PA 18042
(610) 841-9400

23205
NORTHSIDE CHRISTIAN HEALTH CENTER—L
816 MIDDLE STREET
PITTSBURGH, PA 15212
(412) 321-4001

30505
NORTHSIDE CHRISTIAN HEALTH CENTER-NVH—L
525 MOUNT PLEASANT ROAD
PITTSBURGH, PA 15214
(412) 321-4001

23801
PACIFIC TOXICOLOGY LABORATORIES—LP
9348 DE SOTO AVENUE
CHATSWORTH, CA 91311
(818) 598-3110

35190
PEDIATRIC ALLIANCE PC WITH AHN
ALLEGHENY—L
1307 FEDERAL STREET, SUITE B200
PITTSBURGH, PA 15212
(412) 930-0908

28784
PEDIATRIC ASSOCIATES OF KINGSTON LLC—L
451 3RD AVENUE
KINGSTON, PA 18704
(570) 288-6543

39602
PEDIATRIC ASSOCIATES OF KINGSTON IN CLARK
SUMMIT—L
1212 S. ABINGTON BLVD.
CLARKS SUMMIT, PA 18411
(570) 288-6543

39457
PEDIATRIC ASSOCIATES OF KINGSTON IN MTN
TOP—L
239 S. MOUNTAINTOP BLVD., SUITE 600
MOUNTAIN TOP, PA 18707
(570) 288-6543

35918
PEDIATRIC ASSOCIATES OF KINGSTON IN
PITTSTON—L
1081 OAK STREET, SUITE 1
PITTSTON, PA 18640
(570) 288-6543

25436
PEDIATRIC SPECIALISTS OF FRANKLIN COUNTY—L
27 VISTA DRIVE, UNIT 3
WAYNESBORO, PA 17268
(717) 765-6621

10184
PEDIATRICS OF NORTHEASTERN PA—L
920 VIEWMONT DRIVE
DICKSON CITY, PA 18519
(570) 346-1464

27931
PENN CARE FOR KIDS—L
420 WEST LINFIELD TRAPPE ROAD, SUITE 1000A
LIMERICK, PA 19468
(610) 495-2310

27935
PENN CARE FOR KIDS—L
824 MAIN STREET, SUITE 100A
PHOENIXVILLE, PA 19460
(610) 935-1330

10248
PENN MEDICINE LGHP ROSEVILLE PEDIATRICS—L
1570 FRUITVILLE PIKE
LANCASTER, PA 17601
(717) 569-6481

29898
PENN MEDICINE LGHP ROSEVILLE PEDIATRICS—L
51 PETERS ROAD, SUITE 202
LITITZ, PA 17543
(717) 569-6481

29610
PENN STATE HEALTH ALL ABOUT CHILDREN—L
655 WALNUT STREET
WEST READING, PA 19611
(610) 372-9222

23938
PENN STATE HEALTH-UPPER ALLEN—L
1819 SOUTH MARKET STREET, BUILDING A
MECHANICSBURG, PA 17055
(717) 691-9683

23864
PENN STATE HERSHEY MED. GROUP
MIDDLETOWN—L
3100 SCHOOLHOUSE ROAD
MIDDLETOWN, PA 17057
(717) 948-5180

01518
 PENN STATE HERSHEY MEDICAL GROUP—L
 941 PARK DRIVE
 PALMYRA, PA 17078
 (717) 838-6305

22533
 PENNSYLVANIA DEPT OF HEALTH—L
 110 PICKERING WAY
 EXTON, PA 19341
 (610) 280-3464

34168
 PHILADELPHIA FIGHT CHC—L
 1207 CHESTNUT STREET
 PHILADELPHIA, PA 19107
 (267) 985-4448

00869
 PMA-MONROEVILLE CENTRAL—L
 ONE MONROEVILLE CENTER
 3824 NORTHERN PIKE, SUITE 650
 MONROEVILLE, PA 15146
 (412) 580-8335

37694
 PRIVA PATH LABS, INC.—L
 222 E. HUNTINGTON DRIVE, SUITE 100
 MONROVIA, CA 91016
 (626) 479-8489

21982
 PS MEDICAL GROUP-CORNERSTONE—L
 6 WEST NEWPORT ROAD
 LITITZ, PA 17543
 (717) 627-2108

39579
 PSH LANCASTER PEDIATRICS—L
 1430 HARRISBURG PIKE
 LANCASTER, PA 17601
 (717) 391-7092

23778
 PSH MEDICAL GROUP-ELIZABETHTOWN—L
 ONE CONTINENTAL DRIVE
 ELIZABETHTOWN, PA 17022
 (717) 361-0666

23511
 PSHMC CAMP HILL—L
 3025 MARKET STREET
 CAMP HILL, PA 17011
 (717) 691-1212

38406
 PSHMG FAM. MEDICINE EAST PENNSBORO—L
 1800 CENTER STREET, SUITE 1A110
 CAMP HILL, PA 17011
 (717) 775-8093

35899
 PSHMG FAM MED/PEDS ENOLA—L
 310 EAST PENN DRIVE
 ENOLA, PA 17025
 (717) 857-2490

04521
 PSHMG HARRISBURG—L
 2626 NORTH THIRD STREET, F12
 HARRISBURG, PA 17110
 (717) 232-5443

35397
 PSHMG-MECHANICSBURG—L
 140 OLD WILLOW MILL ROAD
 MECHANICSBURG, PA 17050
 (717) 766-4635

32841
 PSHMG-MOUNT JOY—L
 201 LEFEVER ROAD
 MOUNT JOY, 17552
 (717) 653-2900

40412
 PSHMG PEDIATRICS CARLISLE—L
 1211 FORGE ROAD, SUITE 300, BUILDING A
 CARLISLE, PA 17013
 (717) 218-3920

37644
 PSMG NYES ROAD—L
 121 NYES ROAD
 HARRISBURG, PA 17112
 (717) 531-1780

09620
 QUEST DIAGNOSTICS CLINICAL LABS, INC.—P
 8401 FALLBROOK AVENUE
 WEST HILLS, CA 91304
 (818) 737-6264

00669
 QUEST DIAGNOSTICS INCORPORATED—L
 ONE INSIGHTS DRIVE
 CLIFTON, NJ 07012
 (201) 393-5895

01136
 QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP
 14225 NEWBROOK DRIVE
 CHANTILLY, VA 20151
 (703) 802-6900

22376
 QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
 VALENCIA—L
 27027 TOURNEY ROAD
 VALENCIA, CA 91355
 (661) 799-6543

00482
 QUEST DIAGNOSTICS OF PA INC—LP
 875 GREENTREE ROAD, 4 PARKWAY CENTER
 PITTSBURGH, PA 15220-3610
 (412) 920-7600

25461
 QUEST DIAGNOSTICS VENTURE LLC—LP
 875 GREENTREE ROAD, 4 PARKWAY CENTER
 PITTSBURGH, PA 15220-3610
 (412) 920-7867

01216
 READING PEDIATRICS INC—L
 40 BERKSHIRE COURT, SUITE 1
 WYOMISSING, PA 19610
 (610) 374-7400

29871
 READING PEDIATRICS INC—L
 5101 ALLENTOWN PIKE
 TEMPLE, PA 19560
 (610) 374-7400

29873
 READING PEDIATRICS INC—L
 25 LORANE ROAD
 READING, PA 19606
 (610) 374-7400

32983
 READING PEDIATRICS INC—L
 541 W. PENN AVE
 ROBESONIA, PA 19551
 (610) 374-7400

- 22143
SAINT VINCENT FAMILY MEDICINE—L
311 WEST 24TH STREET, SUITE 305
ERIE, PA 16502
(814) 452-5096
- 24657
SANDY LAKE COMMUNITY HEALTH CENTER—L
3205 SOUTH MAIN STREET
SANDY LAKE, PA 16145
(724) 342-3002
- 22196
SHARON MEDICAL GROUP—L
63 PITT STREET
SHARON, PA 16146
(724) 342-6604
- 24508
SHEAKLEYVILLE HEALTH CENTER—L
3339 PERRY HIGHWAY
SHEAKLEYVILLE, PA 16151
(724) 253-3428
- 27649
SMA MEDICAL LABORATORIES—L
940 PENNSYLVANIA BOULEVARD, UNIT E
FEASTERVILLE, PA 19053
(215) 322-6590
- 33298
ST. JOSEPH MEDICAL GROUP—L
145 N. 6TH STREET, 2ND FLOOR
READING, PA 19601
(610) 378-2443
- 00151
ST JOSEPH QUALITY MEDICAL LAB—L
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 34494
ST LUKE'S ALLENTOWN PEDIATRICS—L
501 CETRONIA ROAD, SUITE 115
ALLENTOWN, PA 18104
(484) 426-2468
- 35321
ST. LUKE'S CHILDREN'S CHOICE PEDIATRICS—L
514 DELAWARE AVENUE
BETHLEHEM, PA 18015
(610) 865-6545
- 33310
ST LUKE'S COOPERSBURG PEDIATRICS—L
5425 LANARK ROAD, 1ST FLOOR, SUITE 101
CENTER VALLEY, PA 18034
(484) 822-6112
- 39668
ST. LUKE'S HARLEYSVILLE PEDIATRICS—L
142 CLEMENS ROAD, SUITE 100
HARLEYSVILLE, PA 19438
(267) 985-5150
- 33636
ST LUKE'S PALMERTON PEDIATRICS—L
555 DELAWARE AVENUE
PALMERTON, PA 18071
(272) 639-5340
- 23136
ST LUKE'S POCONO PEDIATRIC ASSOC—L
208 LIFELINE ROAD, SUITE 201
STROUDSBURG, PA 18360
(570) 664-8750
- 23134
ST LUKES POCONO PEDIATRIC ASSOC—L
125 SMITHFIELD LANE, 1ST FLOOR
EAST STROUDSBURG, PA 18301
(272) 639-6020
- 36017
ST. LUKE'S ANDERSON PEDIATRICS—L
1700 ST. LUKE'S BLVD., SUITE 403
EASTON, PA 18045
(484) 503-0060
- 10346
ST. LUKE'S QUAKERTOWN PEDIATRICS—L
237 N WEST END BLVD
QUAKERTOWN, PA 18951
(215) 536-1915
- 28786
STAR COMMUNITY HEALTH KC BETHLEHEM—L
511 E. 3RD STREET, SUITE 201
BETHLEHEM, PA 18015
(484) 526-3060
- 34279
STAR COMMUNITY HEALTH KIDS CARE EASTON—L
220 FERRY STREET
EASTON, PA 18042
(484) 503-8160
- 27304
STAR COMMUNITY HEALTH KIDS CARE SIGAL—L
450 CHEW STREET, SECOND FLOOR
ALLENTOWN, PA 18102
(484) 822-7850
- 37359
STAR LABORATORY CORPORATION—L
125 FLEMING STREET
PISCATAWAY, NJ 08854
(732) 529-5100
- 01683
STO-ROX FAMILY HEALTH CENTER—L
710 THOMPSON AVE
MCKEES ROCKS, PA 15136
(412) 771-6460
- 25258
TAMAQUA PRIMARY CARE—L
143 NORTH RAILROAD STREET
TAMAQUA, PA 18252
(570) 645-1540
- 22134
TAN & GARCIA PEDIATRICS PC—L
4700 UNION DEPOSIT RD, SUITE 120
HARRISBURG, PA 17111
(717) 540-1743
- 10296
TAN & GARCIA PEDIATRICS PC—L
2020 GOOD HOPE ROAD, SUITE 120
ENOLA, PA 17025
(717) 761-7901
- 39888
THE CHILDREN'S CLINIC AT HAYS—L
1227 WEST GORDON STREET
ALLENTOWN, PA 18102
(610) 969-4301
- 36990
THE WRIGHT CENTER MEDICAL GROUP—L
501 S. WASHINGTON AVE.
SCRANTON, PA 18505
(570) 491-0125

37454
THE WRIGHT CENTER MEDICAL GROUP—L
103 SPRUCE STREET
HAWLEY, PA 18428
(570) 230-0019

39649
THE WRIGHT CENTER MEDICAL GROUP—L
260 DALEVILLE HIGHWAY, SUITE 103
COVINGTON TOWNSHIP, PA 18444
(570) 343-2383

40108
THE WRIGHT CENTER MEDICAL GROUP—L
169 N. PENNSYLVANIA AVENUE
WILKES-BARRE, PA 18701
(570) 491-0126

35522
THE WRIGHT CENTER MEDICAL GROUP PC—L
1401 FELLOW STREET
SCRANTON, PA 18504
(570) 343-2383

26198
THE WRIGHT CENTER MEDICAL GROUP PC—L
5 SOUTH WASHINGTON AVENUE
JERMYN, PA 18433
(570) 343-2383

32537
THE WRIGHT CENTER MEDICAL GROUP PC—L
1145 NORTHERN BLVD
CLARKS SUMMIT, PA 18411
(570) 343-2383

30006
THMG FAMILY MEDICINE-PHOENIXVILLE—L
300 SCHUYLKILL ROAD
PHOENIXVILLE, PA 19460
(610) 935-3929

20407
THMG PEDIATRICS-WYOMISSING—L
2101 STATE HILL ROAD, SUITE # 6
WYOMISSING, PA 19610
(484) 628-7540

29554
TRAPPE PEDIATRIC CARE—L
17 IRON BRIDGE DRIVE, SUITE 100
COLLEGEVILLE, PA 19426
(610) 489-5782

30336
TRI COUNTY PEDIATRICS—L
821 HUNTINGDON PIKE, SUITE 207
HUNTINGDON VALLEY, PA 19006
(215) 884-5715

29164
TRI COUNTY PEDIATRICS INC—L
9121 E ROOSEVELT BLVD
PHILADELPHIA, PA 19114
(215) 884-5715

27432
TRI COUNTY PEDIATRICS INC—L
140 EAST BUTLER AVENUE
CHALFONT, PA 18914
(215) 884-5715

04159
TRI COUNTY PEDIATRICS INC—L
205 NEWTOWN ROAD, SUITE 210
WARMINSTER, PA 18974
(215) 884-5715

04575
TRI COUNTY PEDIATRICS INC—L
1939 CHELTENHAM AVENUE
ELKINS PARK, PA 19027
(215) 884-5715

30337
TRI COUNTY PEDIATRICS, INC—L
729 GROVE AVENUE, SUITE 1
SOUTHAMPTON, PA 18966
(215) 884-5715

40281
UNION COMMUNITY AT CARTER MACRAE—L
251 S. PRINCE STREET
LANCASTER, PA 17603
(717) 945-1568

40282
UNION COMMUNITY AT McCASKEY—L
445 S. RESEVOIR STREET
LANCASTER, PA 17602
(717) 945-1568

40283
UNION COMMUNITY AT WASHINGTON—L
545 S. ANN STREET
LANCASTER, PA 17602
(717) 945-1568

29855
UNION COMMUNITY CARE AT BRIGHTSIDE—L
515 B HERSHEY AVENUE
LANCASTER, PA 17603
(717) 299-6372

31959
UNION COMMUNITY CARE AT CHURCH STREET—L
920 CHURCH STREET
LEBANON, PA 17046
(717) 354-4711

10289
UNION COMMUNITY CARE AT DUKE ST.—L
625 SOUTH DUKE STREET
LANCASTER, PA 17062
(717) 299-6372

40069
UNION COMMUNITY CARE AT FULTON
ELEMENTARY—L
225 WEST ORANGE STREET
LANCASTER, PA 17603
(717) 945-1568

37736
UNION COMMUNITY CARE AT LA ACADEMIA—L
30 NORTH ANN STREET
LANCASTER, PA 17602
(717) 299-6372

35866
UNION COMMUNITY CARE AT NHA—L
802 NEW HOLLAND AVENUE, SUITE # 200
LANCASTER, PA 17062
(717) 299-6371

34598
UNION COMMUNITY CARE AT REYNOLDS—L
605 W. WALNUT STREET
LANCASTER, PA 17603-3383
(717) 945-1567

29218
UNION COMMUNITY CARE AT SPRINGVILLE—L
584 SPRINGVILLE ROAD
NEW HOLLAND, PA 17557
(717) 354-4711

31622
UNION COMMUNITY CARE AT WATER STREET—L
304 N. WATER STREET
LANCASTER, PA 17603
(717) 299-6372

25506
UNIVERSITY PHYSICIAN GROUP—L
35 HOPE DRIVE
HERSHEY, PA 17033
(717) 531-0003

22200
UNIVERSITY PHYSICIAN GROUP-FISHBURN—L
845 FISHBURN ROAD
HERSHEY, PA 17033
(717) 531-8181

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—L
UPMC CLINICAL LABORATORY BUILDING
3477 EULER WAY
PITTSBURGH, PA 15213
(412) 647-5855

30816
VHP-CHILDREN'S CLINIC—L
1627 CHEW STREET, 6TH FLOOR
ALLENTOWN, PA 18102
(610) 969-4300

00539
WASHINGTON PED & ADOLESCENT MED—L
100 WELLNESS WAY, BLDG 2
WASHINGTON, PA 15301
(724) 250-6001

39903
WMC—KIMBERLY PEZZONE, M.D.—L
400 MARKET PLACE DRIVE
OAKDALE, PA 15071
(724) 218-1931

34515
ZERO PEDIATRICS, PLLC—L
1000 MEADE ST, SUITE 204
DUNMORE, PA 18512
(570) 871-4445

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1370. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions):

Fair Acres Geriatric Center
340 North Middletown Road
P.O. Box 496
Media, PA 19037
FAC ID # 061002

Wesley Enhanced Living—Doylestown
200 Veterans Lane
Doylestown, PA 18901
FAC ID # 085502

Wesley Enhanced Living Main Live Rehabilitation and Skilled Nursing
100 Halcyon Drive
Media, PA 19063
FAC ID # 390102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, RA-DHPADNCFEXCEPT@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1371. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the Renal Disease Treatment Act (35 P.S. § 6204), will hold its quarterly public meeting on Friday, October 20, 2023, from 10 a.m. to 12 p.m. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment.

To join the call, dial (267) 332-8737 and when prompted, enter the following conference code: 655425689#. Attendees can participate in the conference call on location at the Bureau of Family Health Office, 625 Forster Street, Harrisburg, PA 17120. In-person participants are asked to RSVP to Josh Goodling, josgoodlin@pa.gov, (717) 772-2762, by close of business on October 13, 2023. On arrival, sign in at the front desk in the lobby of the building by 9:45 a.m. to await an escort to the meeting room. The meeting agenda will be posted on the Chronic Renal Disease Program's web site at <https://www.health.pa.gov/topics/programs/Chronic-Renal-Disease/Pages/Advisory-Committee.aspx> at least 24 hours prior to the meeting date and time.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathy Jo Stence, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired

persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1372. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. § 300ff-26), will hold a public meeting on Thursday, October 26, 2023, from 10 a.m. to 3 p.m. at the Penn Harris Hotel, 1150 Camp Hill Bypass, Camp Hill, PA 17011. There will be a virtual option available using Microsoft Teams. Persons may participate by dialing (866) 588-4789. The phone conference ID is 876 213 14#. The meeting will begin promptly at 10 a.m. and participants are urged to call in by 9:50 a.m.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary, covered lab services, drug utilization review, clinical programs, eligibility and program management.

For additional information, contact John Haines, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 703-9171.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact John Haines, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 703-9171. For persons with speech and/or hearing impaired call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without prior notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1373. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services; Public and Nonpublic Nursing Facility Medical Assistance One-Time Enhanced Supplemental Payment

The Department of Human Services (Department) intends to offer a one-time enhanced supplemental payment

(2023 ES Payment) to eligible public and nonpublic Medical Assistance (MA) nursing facilities.

Specific Requirements

The Department is the single State agency responsible for the administration of the MA Program. The Department reimburses public and nonpublic MA nursing facilities for the services they render to MA recipients through a combination of per diem rate payments, which are computed under the case-mix payment methodology in 55 Pa. Code Chapter 1187 (relating to nursing facility services), 55 Pa. Code Chapter 1189 (relating to county nursing facility services) and various supplemental payments, which are authorized in Chapters 1187, 1189 and the Commonwealth's approved Title XIX State Plan.

Consistent with its focus on ensuring the sustainability of quality MA long-term living services to the consumers of those services, the Department intends to submit a State Plan Amendment (SPA) to the Federal Centers for Medicare & Medicaid Services (CMS) to authorize a 2023 ES Payment to public and nonpublic MA nursing facilities that meet specified criteria and agree to certain conditions. Under the proposed SPA, the Department would provide eligible public and nonpublic nursing facilities enrolled in and certified for participation in the MA Program, enhanced funding as part of the Department's ongoing efforts to address the economic impact of the novel coronavirus disease of 2019 (COVID-19).

If CMS approves the SPA, the Department will make the 2023 ES Payment to qualified nursing facilities. To be eligible for a 2023 ES Payment, a nursing facility must satisfy all of the following conditions:

1. The facility's NIS Provider ID must be on the following list as Exhibit A in the approved CMS SPA.
2. The facility must satisfy the definition of either nursing facility or county nursing facility as those definitions are set forth in 55 Pa. Code § 1187.2 (relating to definitions) and in 55 Pa. Code § 1189.2 (relating to definitions).
3. The facility must have been enrolled in and certified for participation in the MA program between January 1, 2020, and June 30, 2020.
4. The facility must have submitted a Resident Day Reporting Form for at least one of the following Resident Day Quarters: Q 56; Q 57; Q 58; or Q 59.
5. The facility must have paid assessment fees for the Fiscal Year (FY) 2019-2020 Nursing Facility Assessment Program.

Payment of the 2023 ES Payment to qualified nursing facilities is contingent upon approval by CMS of the SPA, the qualified nursing facility being enrolled in and certified for participation in the MA Program on the date the Department pays the 2023 ES Payment and the facilities' signed release form and agreement accepting the terms and conditions for receipt of the 2023 ES Payment.

Fiscal Impact

The fiscal impact of this announcement for FY 2022-2023 is estimated at \$40 million (\$18.352 million in State funds) for FY 2023-2024.

Public Comment

Interested persons are invited to submit written comments regarding the 2023 ES Payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Robyn Kokus, P.O. Box 8025, Harrisburg, PA

17105-8025 or at RA-WOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1593. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2023-24 is \$18,352,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$0; (4) 2022-23 Program—\$131,981,000; 2021-22 Program—\$121,346,000; 2020-21 Program—\$208,841,000; (7) MA—Long-Term Living; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 23-1374. Filed for public inspection October 6, 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.

State Route 0060, Parcel No. 25, Tax ID 76 900 029 001 and 76 900 029, Wheatland Borough, Mercer County. This is an uneconomic remnant and contains 25,352 square feet of unimproved land situated at the southwest corner of Broadway Avenue and Church Street, Wheatland, PA 16161. The estimated fair market value is \$11,500. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested 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 the Engineering District 1-0, Right-of-Way Unit, 255 Elm Street, Oil City, PA 16301, Attn: Deborah Knapp.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1375. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512) establishing the Department of Transportation (Department), the Director of the Bureau of Design and Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have

been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

- **SR 0000, Section LBR—Wells Township, Bradford County.**

Project Description: The project is the replacement of the existing bridge that carries Farm View Road (T-762) over Seeley Creek.

Environmental Documents: Categorical Exclusion (CE) 2 Evaluation approved on April 11, 2023, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on February 14, 2023.

Proposed Use of Section 4(f)/2002 Resource: The existing structure was determined to be eligible for listing on the National Register of Historic Places (NRHP).

- **SR 7211, Section EMG—La Plume Township, Lackawanna County.**

Project Description: The project is the replacement of the bridge that carries College Road (T-437) over Ackerly Creek.

Environmental Documents: CE 2 Reevaluation approved on April 24, 2023, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitates the Use of Historic Bridges approved May 13, 2020.

Proposed Use of Section 4(f)/2002 Resources: The existing structure was determined to be eligible for listing on the NRHP.

- **SR 6011, Section 251—City of Scranton, Lackawanna County.**

Project Description: The project is the replacement of the bridge that carries Green Ridge Street (SR 6011) over the Lackawanna River.

Environmental Documents: CE 1b Reevaluation approved on June 26, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on June 21, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.19-acre of right-of-way (ROW) will be required from the 2.4-acre Scranton City parcel. The parcel contains the Lackawanna Heritage Trail that is managed by the Lackawanna Heritage Valley Authority, and the trail qualifies as a Section 4(f)/2002 resource.

- **SR 7302, Section PAR—City of Scranton, Lackawanna County.**

Project Description: The project is the replacement of the existing structure that carries Parker Street over the Lackawanna River.

Environmental Documents: CE 1b Reevaluation approved on June 14, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public

Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on November 18, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.043-acre of ROW will be required from the 0.776-acre Lackawanna Valley Conservancy. The Lackawanna River Heritage Trail is located within the Lackawanna Valley Conservancy, which qualifies as a Section 4(f)/2002 resource.

• **SR 0170, Section D51—Clinton Township, Wayne County.**

Project Description: The project is the replacement of the structure carrying SR 0170 over the West Branch Lackawaxen River.

Environmental Documents: CE 1b Reevaluation approved on May 3, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on October 25, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.116-acre of ROW will be required from the approximately 50-acres Aldenville Local Historic District, which is listed on the NRHP.

• **SR 0073, Section 04N—Cheltenham Township, Montgomery County.**

Project Description: The project involves intersection improvements along Church Road (SR 0073) at Greenwood Avenue (SR 2054) and Rices Mill Road.

Environmental Documents: CE 1b Reevaluation approved on June 29, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 25, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved March 25, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.381-acre of ROW will be required from the 47.79-acres Curtis Arboretum, which is listed on the NRHP and qualifies as a Section 4(f)/2002 resource.

• **SR 3045, Section MRH—Lower Merion Township, Montgomery County.**

Project Description: The project proposes the reconstruction and widening of Belmont Avenue (SR 3045).

Environmental Documents: CE 2 Reevaluation approved on June 16, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 15, 2018, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on June 15, 2018, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on June 22, 2018.

Proposed Use of Section 4(f)/2002 Resources: The 75-acres Westminster Cemetery was determined eligible for listing on the NRHP. The project will require approximately 0.531-acre of ROW from the cemetery and approximately 0.4-acre of ROW from the 41-acres Lower Merion Township-owned Cynwyd Heritage Trail, which both qualify as Section 4(f)/2002 resources. The railroad bridge over Belmont Avenue is a contributing feature to the Reading Railroad, which was determined eligible for listing on the NRHP.

• **SR 0997, Section 037—Washington Township, Franklin County.**

Project Description: The project includes safety improvements to the SR 997 (Anthony Highway) and SR 2015 (Tomstown/Orchard Road) intersection, reconstruction of the SR 997 and Washington Township Boulevard intersection and widening/reconstruction of the connecting SR 997 roadway.

Environmental Documents: CE 2 Reevaluation approved on June 20, 2023, and Individual Section 4(f) Evaluation approved on May 3, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 2.17-acres of permanent acquisition will be required from the approximately 129.77-acres Hamilton Farm property, which is eligible for listing on the NRHP.

• **SR 0376, Section A59—City of Pittsburgh, Allegheny County.**

Project Description: The project is safety and congestion improvements to the SR 0376 Banksville Interchange.

Environmental Documents: CE 2 Evaluation approved on June 28, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 13, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 3.82-acres of ROW will be required from the approximately 36-acres Seldom Seen Greenway, which qualifies as a Section 4(f)/2002 resource.

• **SR 1061, Section A10—Union Township, Washington County.**

Project Description: The project is the replacement of the existing bridge that carries SR 1061 (Mingo Church Road) over Froman Run.

Environmental Documents: ED 1b Evaluation approved on June 2, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on March 30, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.07-acre of ROW will be required from the approximately 3.1-acres Mingo Creek Presbyterian Church and Churchyard, which is listed on the NRHP.

• **SR 0136, Section C10—West Newton Borough, Westmoreland County.**

Project Description: The project is the rehabilitation of the existing West Newton Bridge that carries SR 0136 over the Youghiogheny River.

Environmental Documents: CE 1b Evaluation approved on May 25, 2023, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 5, 2023, and two Determinations of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on May 5, 2023.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.026-acre of ROW will be required from the Pittsburgh and Lake Erie Railroad, which is listed on the NRHP. Approximately 0.04-acre of ROW will be required from the 150-mile Great Allegheny Passage Trail and approximately 0.013-acre of ROW will be required from the 75-mile Youghiogheny River Water Trail, which both qualify as a Section 4(f)/2002 resource.

• **SR 0061, Section 14M—Blythe, New Castle, Ryan and West Mahanoy Townships and Frackville and Saint Clair Boroughs, Schuylkill County.**

Project Description: The project is the replacement or rehabilitation of nine bridges and construction of one new bridge on SR 0061 over 4.5 miles.

Environmental Documents: CE 2 Reevaluation approved on July 18, 2023, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 7, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 3.41-acres of ROW will be required from the approximately 2,690-acres State Game Lands No. 326, which qualifies as a Section 4(f)/2002 resource.

CHRISTINE A. SPANGLER, PE,
Director
Bureau of Design and Delivery

[Pa.B. Doc. No. 23-1376. Filed for public inspection October 6, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Highly Automated Vehicle Advisory Committee Meeting and Public Comment

The Highly Automated Vehicle Advisory Committee (Committee) will hold a special meeting to review and consult with the Department of Transportation (Department) regarding proposed Committee guidelines by means of Microsoft Teams teleconference on Thursday, October 12, 2023, between 1 p.m. and 3 p.m. Public attendees should RSVP to the following e-mail address to receive call-in information. For more information or to RSVP, contact Derrick Herrmann, Chief, Transformational Technology, (717) 783-8823, deherrmann@pa.gov.

No later than 3 days after the meeting, in accordance with 75 Pa.C.S. § 8510.2 (relating to regulations and guidelines), the Department will post the Committee guidelines at <https://penndot.gov/av> for a 10-day public comment period, with comments due back to penndotav@pa.gov no later than 10 days after posting. Following review of all comments, the Department will publish the final guidelines at <https://penndot.gov/av>.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1377. Filed for public inspection October 6, 2023, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease—Removal of Protection Order # 1

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found

in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases); and

Whereas, In January 2023, the Pennsylvania Game Commission (Commission) detected CWD in an adult, free-ranging white-tailed deer (deer) killed by motor vehicle collision in Upper Paxton Twp., Dauphin Co., Wildlife Management Unit (WMU) 4E; and

Whereas, In May 2023, the Commission detected CWD in a juvenile deer killed by motor vehicle collision in Jackson Twp., Dauphin Co., WMU 4C; and

Whereas, The Commission determined these new CWD detections to be on the leading edge of the disease’s progression east across the Commonwealth in free-ranging, wild deer; and

Whereas, On June 22, 2023, the Commission created CWD Disease Management Area (DMA) # 8 in the broader area surrounding the new positive CWD detections (See formal publication of this order at 53 Pa.B. 3793); and

Whereas, In accordance with its CWD Response Plan, the Commission also created enhanced surveillance units (ESUs) in the areas of the new positive CWD detections; and

Whereas, One of the primary CWD Response Plan goals applicable to the area located within an established ESU is to increase sampling and limit CWD sample prevalence, both of which are accomplished through increased hunter harvest of deer; and

Whereas, The Commission also created CWD Deer Management Assistance Program (DMAP) Unit 6396 in the area surrounding both new positive CWD detections to increase hunter harvest of deer; and

Whereas, 58 Pa. Code § 147.675 (relating to validity of permit) limits the validity of DMAP harvest permits to valid open seasons established in 58 Pa. Code § 139.4 (relating to seasons and bag limits for the license year) for hunting antlered or antlerless deer; and

Whereas, 58 Pa. Code § 139.4 limits the validity of antlered and antlerless deer licenses to valid open seasons established for hunting antlered or antlerless deer within applicable wildlife management units; and

Whereas, The Commission was unable plan for increased hunter harvest within the WMUs 4C and 4E when it set the 2023/2024 seasons and bag limits and related antlerless deer license allocations because of the timing of its receipt and related consideration of the testing results; and

Whereas, 58 Pa. Code § 139.4 currently defines the established deer seasons and bag limits for deer in WMUs 4C and 4E as follows:

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) ^{2, 5} With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sep. 30 Sun. ³ , Nov. 12 Nov. 13 Dec. 26	Nov. 11 and Sun. ³ , Nov. 12 Nov. 17 and Jan. 15, 2024	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) ¹ With the required muzzleloading license	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders ⁶ Mentored Permit Holders ⁹ , Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Regular Firearms (Antlered and Antlerless) ^{2, 5} Statewide	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	Nov. 25 and Sun. ³ , Nov. 26 and Dec. 9	One antlerless deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ^{1, 5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 15, 2024	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation, and management of game and wildlife, including deer; and

Whereas, 58 Pa. Code § 137.34(a) (relating to wildlife disease and emergency authority of Director) provides the Executive Director with emergency authority to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of wildlife diseases, if the Director concludes that the introduction or spread of wildlife diseases poses a threat to human, domestic and wild animal, and environmental health and safety within or adjacent to this Commonwealth; and

Whereas, 58 Pa. Code § 137.34(a)(2) provides the Executive Director with emergency authority to allow the taking of wildlife without regard to established seasons

and bag limits and methods of take within any area designated as a disease management area; and

Whereas, The Commission has determined that the limited removal of protection for white-tailed deer within CWD DMAP Unit 6396 is necessary to further expand hunter opportunity and increase hunter harvest of deer in this designated area; and

Now Therefore, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. Protection is removed from antlered and antlerless deer within the area designated as CWD DMAP Unit 6396 insofar as it allows harvest of antlered and antlerless deer within the following expanded timeframes (Cf. 58 Pa. Code 139.4):

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) ^{1, 5} With the required muzzleloading license	Dec. 26	Jan. 27, 2024	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Extended Regular firearms (Antlerless) ¹	Dec. 26	Jan. 27, 2024	An antlerless deer with each required antlerless license.

2. *DMAP Unit 6396*: This unit is designated as set forth in the written description below and as is more graphically illustrated in the map titled “CWD DMAP Unit 6396” attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundary and maps of CWD DMAP Unit 6396, the written description shall prevail.

Located in Dauphin and Northumberland counties, and bounded and described as follows: Beginning in the Southwestern extent of the unit at the intersection of Mountain Road (State Highway 325) and US Highway 22, proceed north on US Highway 22 for approximately 2 miles to the point it meets the east shore of the Susquehanna River. Follow the Susquehanna River north for approximately 18.9 miles to the mouth of the Mahantango Creek. Follow Mahantango Creek east for approximately 0.22 mile to State Highway 147. Continue north on State Highway 147 for approximately 2.4 miles to the intersection of Mountain Road. Turn right on Mountain Road and continue for approximately 5.5 miles to the intersection of State Highway 225. Follow State Highway 225 south for approximately 5.5 miles to the intersection of State Highway 25 in Berrysburg. Continue east on State Highway 25 for approximately 17.4 miles to the intersection of State Highway 125 in Hegins. Follow State Highway 125 south for approximately 2.5 miles

then continue straight onto Main Street for 2.2 miles to the intersection of US Highway 209. Follow US Highway 209 west for approximately 13.4 miles to the intersection of Market Street in Lykens. Proceed 0.2 mile then turn left onto Glen Park Road. Follow Glen Park Road for 1.9 miles then continue onto Powells Valley Road for 6.3 miles. Turn left onto White Oak Road for 0.5 mile then turn right onto Back Road for 0.6 mile. Turn left onto Carsonville Road for 2.6 miles to intersection of State Highway 325 (Clarks Valley Road). Follow State Highway 325 for 14.5 miles to US Highway 22 to the place of beginning.

4. It is specifically intended that both CWD DMAP Unit 6396 harvest permits and any geographically applicable antlered and antlerless deer licenses be valid for the harvest of deer within the area designated as CWD DMAP Unit 6396 during the above expanded season timeframes.

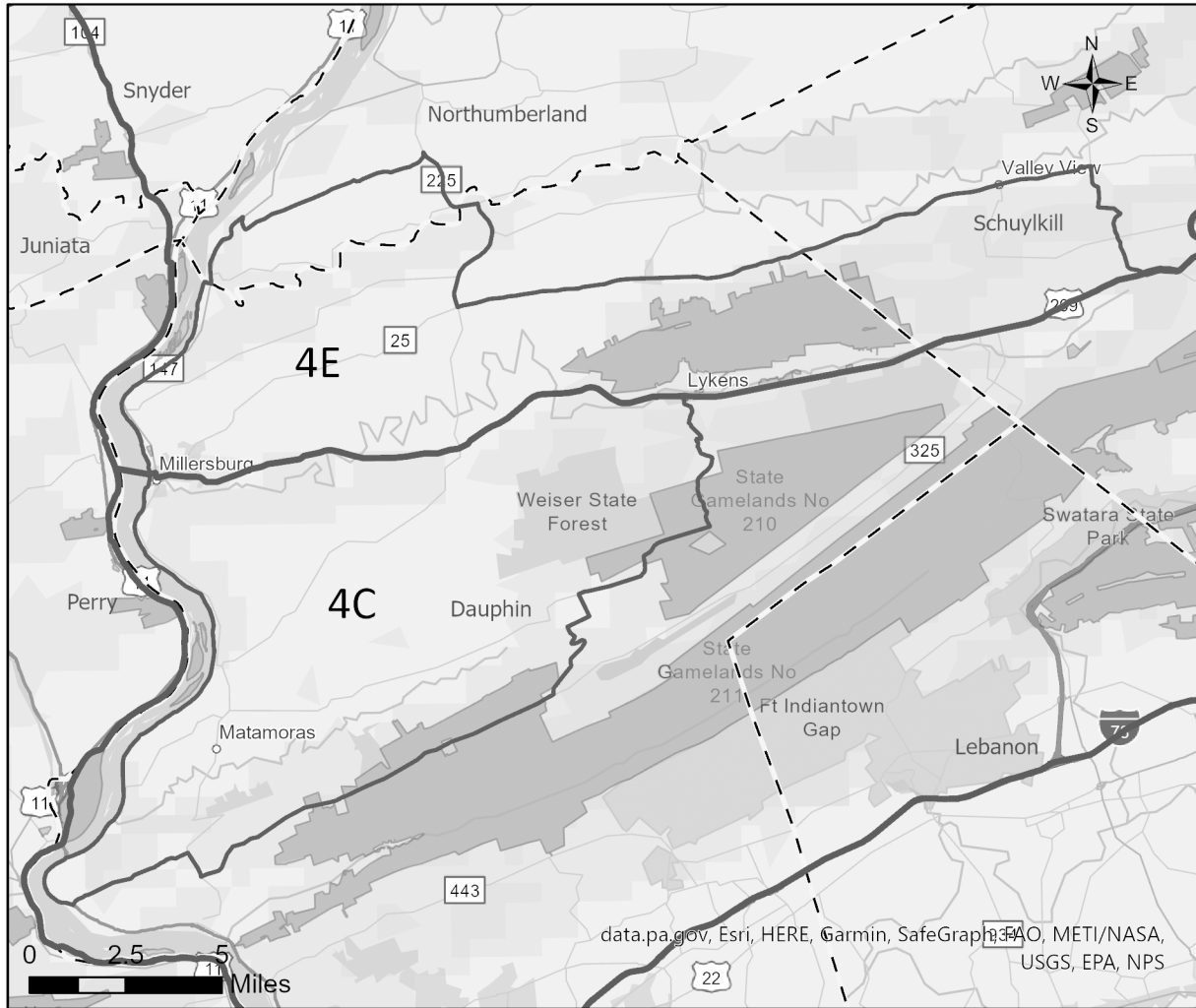
5. This Order is effective immediately and shall remain in effect until June 30, 2024 unless otherwise rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 21st day of September, 2023.

BRYAN J. BURHANS,
Executive Director

Pennsylvania Game Commission

Chronic Wasting Disease DMAP Unit



CWD DMAP Unit 6396

220 square miles (140,666 acres)

Established 2023-24

Date: 8/24/2023

- DMAP Unit 6396
- County
- Wildlife Management Unit
- State Forest
- State Game Lands

[Pa.B. Doc. No. 23-1378. Filed for public inspection October 6, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, September 21, 2023, and announced the following:

Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective September 20, 2023

Environmental Quality Board # 7-572: Administration of the Land Recycling Program Vanadium MSC Rule (amends 25 Pa. Code)

State Board of Chiropractic # 16A-4322: Child Abuse Reporting Requirements (amends 49 Pa. Code)

Actions Taken—Regulations Approved:

Department of Human Services # 14-545: Subsidized Child Care Eligibility (deletes 55 Pa. Code Chapter 3041 and adopts 55 Pa. Code Chapter 3042)

Pennsylvania Turnpike Commission # 60-3: Traffic Regulations (amends 67 Pa. Code Chapter 601)

State Board of Occupational Therapy Education and Licensure # 16A-679: Child Abuse Reporting Requirements (amends 49 Pa. Code §§ 42.13—42.16, 42.41—42.47 and 42.53 and adds §§ 42.48 and 42.49)

State Board of Education # 6-341: Intellectual Disability Terminology Update (amends 22 Pa. Code Chapter 14)

Department of Education # 6-342: Intellectual Disability Terminology Update (amends 22 Pa. Code Chapter 711)

Approval Order

Public Meeting Held
September 21, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Human Services—
Subsidized Child Care Eligibility
Regulation No. 14-545 (# 3275)*

On October 22, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Human Services (Department). This rulemaking deletes 55 Pa. Code Chapter 3041 and adopts 55 Pa. Code Chapter 3042. The proposed regulation was published in the November 14, 2020 *Pennsylvania Bulletin* with a public comment period ending on December 14, 2020. At its May 18, 2023 public meeting, the Commission voted to disapprove the final-form regulation. On July 27, 2023, the Department submitted its report containing the revised final-form regulation to the Commission.

This final-form rulemaking is a comprehensive revision and reorganization of the regulations utilized by the Department to administer the subsidized child care program. The purpose of the final-form regulation is to ensure alignment with the Federal Child Care and Development Block Grant of 2014 in order to continue receiving federal funding. 42 U.S.C.A. §§ 9857—9858r.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S.

§§ 201(2), 403(b) and 403.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
September 21, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Turnpike Commission—
Traffic Regulations
Regulation No. 60-3 (# 3307)*

On June 1, 2021, the Independent Regulatory Review Commission (IRRC) received this proposed regulation from the Pennsylvania Turnpike Commission (Commission). This rulemaking amends 67 Pa. Code Chapter 601. The proposed regulation was published in the June 19, 2021 *Pennsylvania Bulletin* with a public comment period ending on July 19, 2021. The final-form regulation was submitted to the Commission on July 12, 2023.

This final-form regulation amends the Commission's general traffic regulations to provide for the cashless tolling system. The regulation also revises provisions relating to: over-dimensional/overweight vehicles, the transportation of hazardous materials through Turnpike tunnels, fare evasion, and excluded vehicles from the Turnpike system.

We have determined this regulation is consistent with the statutory authority of the Commission (36 P.S. §§ 652d and 652l) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
September 21, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Occupational Therapy Education and
Licensure—
Child Abuse Reporting Requirements
Regulation No. 16A-679 (# 3358)*

On September 27, 2022, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Occupational Therapy Education and Licensure (Board). This rulemaking amends 49 Pa. Code §§ 42.13—42.16, 42.41—42.47 and 42.53 and adds §§ 42.48 and 42.49. The proposed regulation was published in the October 22, 2022 *Pennsylvania Bulletin* with a public comment period ending on November 21, 2022. The final-form regulation was submitted to the Commission on August 1, 2023.

This proposed regulation updates the Board's child abuse reporting regulations to be consistent with the

Child Protective Services Law (CPSL), including the required training in child abuse recognition and reporting for licensees who are considered to be “mandated reporters” under the CPSL.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 1505(b) and 23 Pa.C.S. § 6383(b)(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
September 21, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Education—
Intellectual Disability Terminology Update
Regulation No. 6-341 (# 3379)*

On August 2, 2023, the Independent Regulatory Review Commission (Commission) received this final-omitted regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 14. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking replaces the terms “mentally retarded” and “mental retardation” with the term “intellectual disability.”

We have determined this regulation is consistent with the statutory authority of the Board (24 P.S. §§ 13-1372 and 26-2603-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
September 21, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Education—
Intellectual Disability Terminology Update
Regulation No. 6-342 (# 3380)*

On August 2, 2023, the Independent Regulatory Review Commission (Commission) received this final-omitted regulation from the Department of Education (Department). This rulemaking amends 22 Pa. Code Chapter 711. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking replaces the terms “mentally retarded” and “mental retardation” with the term “intellectual disability.”

We have determined this regulation is consistent with the statutory authority of the Department (24 P.S. §§ 17-1701-A—17-1732-A, 17-1749-A(b)(8), 17-1751-A) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-1379. Filed for public inspection October 6, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Guillermo Cruz; Doc. No. SC23-09-017

Notice is hereby given of the Order to Show Cause issued on September 27, 2023, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: sections 611-A(1) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(1) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1380. Filed for public inspection October 6, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Ryan Lewis; Doc. No. SC23-09-014

Notice is hereby given of the Order to Show Cause issued on September 26, 2023, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: sections 611-A(8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(8) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1381. Filed for public inspection October 6, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Timothy Torrell Moment; License Denial Appeal; Doc. No. AG23-09-006

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Timothy Torrell Moment has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for November 3, 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 November 1, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before October 20, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before November 1, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1382. Filed for public inspection October 6, 2023, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

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. 1 on December 6, 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. 1. 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 1. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area 1. 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 October 17, 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 October 17, 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.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on November 8, 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 November 22, 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 November 29, 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 and received by 1 p.m. on November 27, 2023.

Electronic filings should be made to 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. 23-1383. Filed for public inspection October 6, 2023, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 2

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. 2 on December 6, 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. 2. 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 2. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area 2. 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 October 17, 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 October 17, 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.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on November 8, 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 November 22, 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 November 29, 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 and received by 1 p.m. on November 27, 2023.

Electronic filings should be made to 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. 23-1384. Filed for public inspection October 6, 2023, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 4

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. 4 on December 6, 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. 4. 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 4. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area 4. 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 October 17, 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 October 17, 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.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on November 8, 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 November 22, 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 November 29, 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 chardbarge@pa.gov and received by 1 p.m. on November 27, 2023.

Electronic filings should be made to 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. 23-1385. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Boomerang Wireless, LLC, d/b/a enTouch Wireless Petition for Partial Relinquishment of Eligible Telecommunications Carrier Designation

Public Meeting held
September 21, 2023

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Boomerang Wireless, LLC, d/b/a enTouch Wireless
Petition for Partial Relinquishment of Eligible
Telecommunications Carrier Designation;
Docket Number P-2023-3041832*

Tentative Order

By the Commission:

On July 19, 2023, Boomerang Wireless LLC d/b/a enTouch Wireless (Boomerang), filed an Application with the Commission pursuant to 47 U.S.C. § 214(e)(4) of the United States Code, seeking partial relinquishment of its eligible telecommunications carrier (ETC) designation in the service area served by its underlying carrier, Verizon Wireless and the removal of AT&T Mobility as an underlying carrier, in the Commonwealth of Pennsylvania. We will treat Boomerang's Application as a Petition. Boomerang served its Petition on the Office of Consumer Advocate, the Office of Small Business Advocate, and the Commission's Bureau of Investigation and Enforcement as evidenced by its certificate of service. No responses were filed to the Petition. As discussed below, the Commission grants Boomerang's Petition seeking partial relinquishment of its ETC designation in the Commonwealth of Pennsylvania.

Background

On September 1, 2016, at Docket Number P-2014-2421056, the Commission granted Boomerang, who is a prepaid wireless reseller of mobile wireless service, and Lifeline-only ETC designation throughout the Commonwealth of Pennsylvania where its underlying carriers provide coverage. In its instant Petition, Boomerang noted that the Commission granted its Petition for Waiver and did not require Boomerang to file a Petition for a new ETC designation due to a change in its corporate ownership.¹ Boomerang explains that as a result of a new mobile virtual network enabler² (MVNE) relationship, Boomerang no longer utilizes the services of Verizon Wireless and AT&T Mobility networks as underlying carriers.³ However, at the same time, Boomerang

¹ On August 13, 2021, Boomerang filed with the Commission a Notice of a change in ownership and a Petition for Waiver of the Obligation to Petition for a new ETC designation. The Petition was granted by Order entered November 18, 2021.

² An MVNE is a company that provides network infrastructure and related services, such as business support systems, administration and operating support to a mobile virtual network operator.

³ Petition at 2.

will continue to utilize the T-Mobile network, which following its merger with the Sprint network includes an expanded service area.⁴

Boomerang attached a listing of the zip codes in which it is requesting partial relinquishment. (See Exhibit B). As a result of these changes, Boomerang states that approximately 21 subscribers in the former Verizon Wireless service area will be affected.⁵ The impacted subscribers will need to choose whether to port their service to Boomerang's alternate underlying carrier or transfer their service to a new ETC designated carrier in their service area.⁶ Boomerang states that the impacted subscribers will be disconnected on October 8, 2023 if they fail to elect to port their service to Boomerang's alternate underlying carrier or transfer to a new ETC service provider.⁷ Boomerang reports that there are no subscribers on the AT&T Mobility platform and therefore no additional subscribers will be affected by Boomerang's changes.⁸ In addition, Boomerang avers that its customers will not be disadvantaged by its partial abandonment since there are other ETCs in the area that are available to serve the affected subscribers and subscribers are receiving advance notice of their availability as contemplated by 47 U.S.C. § 214(e)(4) following relinquishment of its ETC effective October 8, 2023.⁹

Discussion

ETCs seeking to relinquish their ETC status in Pennsylvania must petition the Commission before relinquishing service. The Commission's rules and requirements for relinquishing ETC status is set forth in the Commission's September 3, 2013 Secretarial Letter that was sent to all Pennsylvania ETCs at Docket No. M-2013-2380576. Under the Telecommunications Act of 1996 (TA96) and our rules governing petitions for relief, this Commission may grant a request to relinquish ETC status if the petitioning ETC demonstrates reliable, probative and substantial evidence of the following:

1. More than one ETC serves the service area(s) in question;
2. The ETC seeking to relinquish is ETC designation has provided advance notice to the Commission of such relinquishment;
3. The Commission, prior to authorizing the relinquishment, requires:
 - a. Remaining ETC(s) to ensure that all customers served by the relinquishing carrier will continue to be served;
 - b. Sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

47 U.S.C. § 214(e)(4). While the statute allows an ETC to relinquish its ETC status, and thus forego access to various federal funding sources, we note that the relinquishment process remains focused on preservation of universal service. To further the federal and state universal service goals, the Commission requires the following:

1. All Petitions to relinquish ETC status must be accompanied by an affidavit or verification of an authorized individual;
2. The Petition must be served upon the statutory advocates, the Office of Consumer Advocate, Office of

Small Business Advocate, the Commission's Bureau of Enforcement & Investigation and all carriers referenced in the petition as being alternative ETCs;

3. Notice must be provided to all affected Lifeline customers as follows:
 - a. Written notice 90 days prior to the discontinuation of Lifeline service in the form of a stand-alone mailing separate from any billing or collections mailing;
 - b. Telephonic notice 60 days prior to the discontinuation of Lifeline service;
 - c. Written notice 30 days prior to the discontinuation of Lifeline service in the form of a billing insert or stand-alone mailing;
4. The notices should inform affected customers of a date certain that Lifeline service will end, list alternative lifeline providers and offer assistance to those customers who wish to retain Lifeline service;
5. These notices must be attached to the Petition to Relinquish;
6. Petitioners are directed to ensure that the transition to another Lifeline provider is seamless for the Lifeline customer and ensure that the customer is not subject to additional connection fees or deposits. Also, the petitioner is to assist the Lifeline customer with any lifeline certification occasioned by the petition.

In support of its Petition, Boomerang states that it will provide the required customer notices regarding its plans to cease providing service to its Lifeline customers and also advise them in the notice that it is necessary to obtain a new cell phone provider. Boomerang asserts that in addition to certificated Lifeline providers in its service area, the incumbent local exchange carrier in its service area also provides wireless service.

As mentioned earlier, Boomerang states in its Petition that it will cease its provision of wireless telephone service to its existing customers in Verizon Wireless' service area effective October 8, 2023. In support of its Petition, Boomerang attached a list of the alternate ETC service providers that will continue to provide service in the area of Boomerang's proposed relinquishment. (See Exhibit C). Boomerang further asserts that it will comply with all of the federal and state notice requirements for relinquishment of its ETC designation. Specifically, Boomerang stated that beginning August 9, 2023, it has begun providing advanced notice of its partial cessation of service to each affected customer. The notices will be sent 60 days, 45 days, 30 days, 15 days and 5 days by mail and text messages prior to October 8, 2023.¹⁰ Boomerang may also follow up the messages with phone calls to those subscribers who have not provided an email address.¹¹ The email and text messages will contain a link to a web page with details and contacts for questions.¹² Additionally, during the final three weeks, enTouch Customer Service may reach out to customers who have not responded to Customer Service via the specially designated number.¹³ Boomerang provided samples of the draft notices and content that will be provided on its landing page attached to its Petition as Exhibit D.

Also, in response to a staff inquiry, on August 4, 2023, in compliance with the Pennsylvania requirements, Boomerang served its Petition on all of the alternate carriers who are providing service in the area of its partial

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id. at 2-3.

⁹ Id. at 3.

¹⁰ Id. at 4.

¹⁰ Petition at 5-6.

¹¹ Petition at 5.

¹² Petition at 6.

¹³ Id.

relinquishment. Simultaneously, Boomerang filed a copy of its amended Certificate of Service with the Commission's Secretary's Bureau, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate. No Answers were filed in response to Boomerang's filing.

Based on the information contained in the Petition, we find that Boomerang gave appropriate and sufficient notice regarding its planned abandonment. Additionally, we conclude that Boomerang will make good faith efforts to ensure that its affected customers will be served by other Lifeline providers in its relinquished service area by giving them ample notice of its plans to cease providing service to them and advising them to make alternate arrangements.

Because all of the affected Lifeline customers have not yet migrated to a new service provider, certain requirements continue to attach and Boomerang may not discontinue service and abandon customers without our approval. Boomerang shall track the progress of customer migrations for its remaining customers and provide Commission staff a progress report within twenty days of entry of this Order identifying the number of customers that have and have not migrated to a new Lifeline service provider within ten days of the entry of this Order. Additionally, Boomerang shall continue to provide telecommunications service to its remaining customers until such time as those customers have obtained comparable service from a Lifeline service provider or until October 8, 2023, whichever is earlier.

Upon full consideration of all matters of record pertaining to the Petition, we find that approval of the Boomerang's Petition to partially relinquish its ETC designation in the area served by underlying carrier, Verizon Wireless and removal of AT&T Mobility as an underlying carrier, in the Commonwealth of Pennsylvania, is in the public interest; *Therefore,*

It Is Ordered That:

1. Boomerang Wireless LLC d/b/a enTouch Wireless' request to partially relinquish its ETC designation in the area served by underlying carrier, Verizon Wireless and removal of AT&T Mobility as an underlying carrier, in the Commonwealth of Pennsylvania, is hereby approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation & Enforcement, and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

3. Boomerang Wireless LLC d/b/a enTouch Wireless shall track the progress of customer migrations for its remaining customers and shall provide Commission staff with a progress report on the number of customers that have and have not migrated to a new Lifeline service provider within twenty days of the entry of this Order.

4. If in its ten-day customer migration progress report filed with the Commission Boomerang Wireless LLC d/b/a enTouch Wireless avers that all remaining customers have chosen to port their service to Boomerang's alternate underlying carrier or obtained replacement Lifeline telecommunications services from a different service provider, by October 8, 2023, whichever is earlier, this Tentative

Order will become final without further Commission action, and the docket shall be closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 21, 2023

ORDER ENTERED: September 21, 2023

[Pa.B. Doc. No. 23-1386. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancelation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance

Public Meeting held
September 21, 2023

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Cancelation of Certificates of Public Convenience for
Motor Carriers; Failure to Maintain Evidence of
Insurance; M-2023-3042039*

Tentative Order

By the Commission:

Pursuant to Section 512 of the Public Utility Code (Code), 66 Pa.C.S. § 512, the Pennsylvania Public Utility Commission (Commission) is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 of the Code provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers... shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe. . .

66 Pa.C.S. § 512.

Consistent with this broad statutory charge, the Commission has promulgated regulations governing motor carrier insurance requirements at Chapter 32 of Title 52 Pa. Code.¹ Those regulations provide, inter alia, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. See 52 Pa. Code §§ 32.11, 32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection

¹ 52 Pa. Code §§ 32.11—32.16.

for bodily injury, death, or property damage. 52 Pa. Code § 32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. Further, the Commission's regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h) *Compliance.* Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code § 32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. As such, the Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to cure the deficiency and maintain acceptable evidence of insurance with the Commission, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa.C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.

2. The Secretary's Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

3. The Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.

4. The Secretary shall file this Tentative Order at each motor carrier's assigned docket number.

5. To the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

6. Alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier's responsibility to ensure compliance. Motor carriers can verify their insurance status at our Web Site at <https://www.puc.pa.gov/search/utility-authority-search/>.

Additionally, motor carriers may call our insurance hotline at (717)-787-1227 for more information.

7. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary's Bureau canceling the carrier's applicable Certificate of Public Convenience. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

8. Upon issuance of the Secretarial Letter described in Ordering Paragraph No. 7 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. The Secretary serve a copy of the Secretarial Letter upon the Commission's Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, Bureau of Administration, the Pennsylvania Department of Revenue—Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 21, 2023

ORDER ENTERED: September 21, 2023

Appendix A

Carriers Without Acceptable Evidence of Insurance

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
6220610	DPD TRANSPORT, LLC	Contract Carrier of Passengers	Liability
6315202	LANCASTER CITY CABS, LLC	Taxi	Liability
6317546	EXPRESS TAXI, LLC	Taxi	Liability
6318662	CANYON COUNTRY ELITE TRANSPORTATION SERVICES, INC.	GP16+	Liability
6323802	PREMIER RIDER SERVICE, LLC	Transportation Network Company	Liability
6324980	REJUVENATE CONCIERGE CO.	Contract Carrier of Passengers	Liability
640495	SULLENBERGER, JAMES R.	Paratransit	Liability
640624	MAIN LINE EXPRESS, INC.	Airport Transfer	Liability

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
640683	PESSOGNELLI, INC.	Limousine	Liability
6410933	VAUXCO LIMOUSINES, LLC	Limousine and GP11—15	Liability
6413230	STAT MEDICAL TRANSPORT PARATRANSIT, LLC	Paratransit	Liability
641348	A TO Z LIMOUSINE SERVICE, INC.	Limousine	Liability
6415393	TROPIANO BUS COMPANY, LLC	GP16+	Liability
6416237	WHEELS TAKE YOU THERE TRANSPORTATION SERVICE, LLC	Paratransit and GP11—15	Liability
641720	JOSEPH M. KILMER, JR.	Paratransit	Liability
6419489	RHYTHM AMBULANCE, INC.	Paratransit	Liability
6419965	JOSEPH MARTIN	Paratransit	Liability
6421612	PITTSBURGH TROLLEY WORKS, LLC	GP16+	Liability
6422077	METROPOLIS PASSENGER LOGISTICS, LLC	Limousine and GP11—15	Liability
6422634	PATHLINKS GLOBAL, LLC	Paratransit	Liability
6424355	FIRST EXPRESSCARE TRANSPORTATION, LLC	Paratransit	Liability
6424720	SEYDOU DAO	Paratransit	Liability
6424782	CARE WITH LOVE HOME HEALTH AGENCY, LLC	Paratransit	Liability
6424910	JARABACOA TRANSPORTATION, LLC	Paratransit	Liability
6424923	APLUS NEMT SERVICES, LLC	Paratransit	Liability
6425061	ALANTRA ENTERPRISES, LLC	Limousine	Liability
6425347	WHOLENESS HOME HEALTH LIMITED LIABILITY COMPANY	Paratransit	Liability
6425389	DOMINION COACH, LLC	GP16+	Liability
6425666	GREEN TRANSPORTATION SERVICE, LLC	Paratransit	Liability
6426282	INTERSTATE BUS, LLC	GP16+	Liability
646005	R.J. RHODES TRANSIT, INC.	GP16+	Liability
701803	MCQUOWN BUSINESS SERVICES, INC.	Truck	Cargo
701856	ANTHONY W. MARTIN	Truck	Liability
703744	YRC, INC.	Truck	Liability
703949	HAROLD E. GRAVES	Truck	Liability
704368	HOUSTON SPECIALIZED CARRIERS, INC.	Truck	Liability
704642	PAUL D. PATRICK, JR.	Truck	Liability/Cargo
704668	DONALD R. TRUAX, III	Truck	Liability
706271	EDWARDS DISTRIBUTN SERVICES, INC.	Truck	Liability
707854	RITTENBAUGH, INC.	Truck	Liability
707981	MENKINS HAULING, INC., W.J.	Truck	Liability
708007	RALPH P. CALLELA JR., T/A CALLELA TRUCKING	Truck	Liability
714580	BLOUGH, DAVID E.	Truck	Liability
732880	CRESCO LINES, INC.	Truck	Liability/Cargo
738490	DIBIASE, R.L. TRUCKING, INC.	Truck	Liability
766540	HECLA MACHINERY & EQUIP. CO.	Truck	Liability
813280	NEW PENN MOTOR EXPRESS, LLC	Truck	Liability
840640	SELL, WAYNE W., CORP.	Truck	Liability
890685	ERVIN K. ECKERT	Truck	Liability/Cargo
890706	PETRO-CHEMICAL TRANSPORT, LLC	Truck	Liability
8911120	ALAN SMALLWOOD EXCAVATING, LLC	Truck	Cargo
8911199	DILULLO TRANSPORT, INC.	Truck	Liability/Cargo
8911701	JAMES E. MANBECK	Truck	Liability/Cargo
8913083	WHEELER TRUCKING, LLC	Truck	Liability/Cargo

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8914013	STURDEVANT TRUCKING, INC.	Truck	Liability
891550	SHRECENGOST, JOSEPH ALLAN	Truck	Cargo
8915800	BLUE EAGLE LOGISTICS, INC.	Truck	Liability/Cargo
8915844	ROBERT RAY ANDERSON TRUCKING, LLC	Truck	Liability/Cargo
8915874	KOLLER REDI MIX, INC.	Truck	Cargo
8916174	KEYSTONE TRANSPORT SERVICES, LLC	Truck	Liability/Cargo
8916659	KEHL TRANSPORT, LLC	Truck	Cargo
8916762	HENDERSON LOGISTICS, LLC	Truck	Liability/Cargo
8917177	TAJ TRUCKING, CO.	Truck	Liability/Cargo
8917267	BACKDRAFT EXCAVATING, LLC	Truck	Liability
8917506	FEATHER TRUCKING, LLC	Truck	Liability
8917554	EASTERN FREIGHT SYSTEMS, LLC	Truck	Liability/Cargo
8917750	MARK D. CLAPSADLE	Truck	Cargo
8918060	TIMOTHY HULINGS	Truck	Liability/Cargo
8918405	BOYD TONER TRUCKING, LLC	Truck	Liability/Cargo
8918592	MAGIA LOGISTICS, LLC	Truck	Liability/Cargo
8918670	M. MACE TRUCKING, LLC	Truck	Liability/Cargo
8918899	BXI, LLC	Truck	Liability
8919115	TURBOS TRANSPORT AND RECOVERY, INC.	Truck	Liability/Cargo
8919376	ROSEMARY MARTIN	Truck	Liability/Cargo
8919428	BISHOP TRUCKING, LLC	Truck	Cargo
8919680	N&NSTANT, LLC	Truck	Cargo
8919820	EDWARD R. SCHUMACHER	Truck	Liability/Cargo
8919995	281 TRANSPORT, LLC	Truck	Liability
8920225	ALS HAULING & TRANSPORT, LLC	Truck	Liability/Cargo
8921098	MVP TRANSPORT CORP.	Truck	Liability/Cargo
8921144	HONEY TRUCKING, INC.	Truck	Liability/Cargo
8921464	JONEZIN TRANSPORT, LLC	Truck	Liability/Cargo
8921993	M. AMDITIS TRUCKING, LLC	Truck	Liability
8922105	LAPP'S LOADER SERVICE, LLC	Truck	Cargo
8922250	ASH TRANSFER, LLC	Truck	Liability/Cargo
8922308	AMERICAN EXPEDITING LOGISTICS, LLC	Truck	Liability
8922335	DALE E. MARTIN	Truck	Liability/Cargo
8922428	JONATHAN R. HOWARD	Truck	Liability
8922514	STEADFAST TRANSPORT, LLC	Truck	Liability/Cargo
8922582	SCHUYLKILL EXCAVATING, LLC	Truck	Liability
8922902	RED LAND EXPRESS, INC.	Truck	Cargo
8922903	BARNES BOYS TRUCKING, LLC	Truck	Liability/Cargo
8922977	EMRICK TRUCKING, LLC	Truck	Liability
8922984	SACRED TRANSPORTATION, LLC	Truck	Liability/Cargo
8923100	BKN TRANSPORT, LLC	Truck	Liability
8923132	BROWN DOG EXPRESS, LLC	Truck	Liability/Cargo
8923191	CHISOLM'S TRUCKING, LLC	Truck	Liability/Cargo
8923193	DKM LOGISTICS, INC.	Truck	Liability
8923255	FLINTS TRUCKING, LLC	Truck	Liability/Cargo
8923372	MCBC MEDICAL DELIVERY SERVICES, LLC	Truck	Liability
8923376	A&A PROFESSIONAL MOVERS, LLC	Truck	Cargo

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<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8923603	JAMSON P., LLC	Truck	Liability/Cargo
8923678	LOAD RUNNERZ, LLC	Truck	Liability/Cargo
8923847	BARNHILL TRANSPORTATION, LLC	Truck	Liability/Cargo
8923899	068 TRUCKING, LLC	Truck	Liability
8923914	GILLZ LOGISTICS, LLC	Truck	Liability
8923978	DURANS EXPRESS, LLC	Truck	Liability
8924095	BANGSLY, LLC	Truck	Liability/Cargo
8924141	RONALD WEITKAMP	Truck	Liability/Cargo
8924221	CYANLINK LOGISTICS, LLC	Truck	Liability/Cargo
8924230	JONS TRANSPORT, LLC	Truck	Liability/Cargo
8924306	CRIVERA, LLC	Truck	Liability/Cargo
8924416	JUSTINO INTERNATIONAL, LLC	Truck	Cargo
8924468	EARTH TRUCKING, LLC	Truck	Liability/Cargo
8924483	COBRE TRANSPORTATION, LLC	Truck	Liability
8924550	WESTRAY BROTHERS TRUCKING, LLC	Truck	Liability/Cargo
8924651	K & T SEAHORSES TRUCKING, LLC	Paratransit	Liability
8924761	365 TRUCKING, LLC	Truck	Liability/Cargo
8924803	LONG HAUL SPECIALTY TRANSPORT, INC.	Truck	Liability/Cargo
8924821	ROBLES TOWING CORP.	Truck	Liability/Cargo
8924938	ROSANO TRUCKING, LLC	Truck	Liability/Cargo
8924958	NIGHT PROWLER TRUCKING, LLC	Truck	Liability/Cargo
8924978	KUMM & GO ENTERPRISE, LLC	Truck	Cargo
8925339	TEC LOGISTICS, LLC	Truck	Liability/Cargo
8925416	COMMON SENSE SHIPPING, LLC	Truck	Liability/Cargo
8925466	CURT ROC TRANSPORT, LLC	Truck	Liability/Cargo
8925480	TIME TRUCKING CORP.	Truck	Liability/Cargo
8925489	JIM'S AUTOMOTIVE SPECIALTIES, LLC	Truck	Liability/Cargo
8925495	SHAWNY BOY TRUCKING, LLC	Truck	Cargo
8925603	MOSTOLLER TRANSPORTATION, LLC	Truck	Liability
8925623	WILD HOGS TRUCKING, LLC	Truck	Liability/Cargo
8925720	TRANSATLANTIC CONSTRUCTION, INC.	Truck	Cargo
8925733	ON SITE SHED HAULING, LLC	Truck	Liability/Cargo
8925748	LONGVUE TRANSPORTATION, LLC	Truck	Liability/Cargo
8925807	LARRIUZ LOGISTICS, LLC	Truck	Liability/Cargo
8925848	HARD LANE DISPATCH, LLC	Truck	Liability/Cargo
8925850	DUB'S ROADSIDE, LLC	Truck	Liability
8925969	A & A TRANSPORT SERVICES, LLC	Truck	Liability/Cargo
8925980	BDH HEATING FUEL & FARM DELIVERY SERVICES, LLC	Truck	Cargo
8926029	MSX LOGISTICS, LLC	Truck	Liability/Cargo
8926051	5BS TRANSPORTING, LLC	Truck	Liability
8926085	ON OFF, LLC	Truck	Liability/Cargo
8926160	RHL FREIGHT, INC.	Truck	Liability/Cargo
8926187	GREEN LOGISTICAL PARTNERS, LLC	Truck	Cargo

[Pa.B. Doc. No. 23-1387. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellation of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
September 21, 2023

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellation of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2023-3037455*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of September 12, 2023, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2011-2254554*	ALPHA GAS AND ELECTRIC, LLC	9/4/2023	Yes
A-2010-2192731*	AP GAS & ELECTRIC (PA), LLC	8/17/2023	Yes
A-2021-3028636*	CURRENT ENERGY AND RENEWABLES, INC.	8/31/2023	No
A-2021-3025420	THE M GROUP ENERGY SOLUTIONS, LLC	9/2/2023	Yes
A-2016-2574348	VERVANTIS, INC.	8/19/2023	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2023-3037455 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at <http://www.puc.pa.gov/>

filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a “wet” signature or digital signature, preferably in blue ink, and displaying a “raised seal” or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier’s license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission’s Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission’s website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 21, 2023

ORDER ENTERED: September 21, 2023

[Pa.B. Doc. No. 23-1388. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2023-3043273. Pike Street, LLC, CCP II Finco, LLC and IPC Corporation. Joint application of Pike Street, LLC, CCP II Finco, LLC and IPC Corporation for approval of a general rule transaction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, October 23, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission by means of eService on the Pennsylvania Public Utility Commission’s (Commission) web site at www.puc.pa.gov or at 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application

are available for inspection on the Commission’s web site and at the applicant’s business address.

Joint Applicants: Pike Street, LLC; CCP II Finco, LLC; IPC Corporation

Through and By Counsel: Deanne M. O’Dell, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 255-3744, fax (717) 237-6019, dodell@eckertseamans.com; Wayne Johnsen, Scott Delacourt, Wiley Rein, LLP, 2050 M Street, NW, Washington, DC 20036, (202) 719-7303, fax (202) 719-7049, wjohnsen@wiley.law, sdelacourt@wiley.law; c/o Centerbridge Partners, LP, 375 Park Avenue, 11th Floor, New York, NY 10152, (212) 672-5000, legalnotices@centerbridge.com, jhendricks@centerbridge.com, bjaffe@centerbridge.com; Andrew M. Klein, Allen C. Zoracki, Klein Law Group, PLLC, 1250 Connecticut Avenue, NW, Suite 700, Washington, DC 20036, (202) 289-6955, aklein@kleinlawpllc.com, azoracki@kleinlawpllc.com; K.C. Halm, John C. Nelson, Jr., Davis Wright Tremaine, LLP, 1301 K Street, NW, Suite 500 East, Washington, DC 20005, (202) 973-4287, fax (202) 973-4487, kchalm@dwt.com, johnnelson@dwt.com; Gabe Brecher, 100 West Putnam Avenue, Greenwich, CT 06830, (203) 618-5750, gbrecher@svpglobal.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1389. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Duquesne Light Company

Public Meeting held
September 21, 2023

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson, conflict statement follows; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Duquesne Light Company; M-2023-3037937

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Settlement Agreement or Settlement) filed on August 14, 2023, by the Commission’s Bureau of Investigation and Enforcement (I&E) and Duquesne Light Company (Duquesne Light, Duquesne or Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties submitted Statements in Support of the Settlement. The Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission’s Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. Settlement at 12.

Before issuing a final decision on the merits of the Settlement, and consistent with the requirements of 52

Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the Settlement and issue the Settlement for comments.¹

History of the Proceeding

This matter concerns the alleged termination of service to three hundred (300) customers without providing the customers with 10-day termination notices as required by the Commission's Regulations. On November 22, 2022, Duquesne discovered that termination notices had not been sent to the affected customers on November 1, November 8, and November 15, 2022. Of the three hundred customers affected, two hundred and six (206) were charged and paid reconnection fees in order to have their service restored and sixty-four (64) of these three hundred (300) customers were assessed and paid a security deposit as a condition to having their service restored. Settlement at 5.

On December 2, 2022, Duquesne voluntarily notified I&E that it had terminated service to customers without providing a 10-day termination notice. Duquesne provided additional information to I&E and the Commission's Bureau of Consumer Services (BCS) regarding the terminations that occurred without a 10-day notice on December 29, 2022. Settlement at 3. Based on the additional information, BCS referred the matter to I&E. Settlement at 3-4.

I&E instituted an informal investigation of Duquesne Light based on the information referred to I&E by BCS. Thereafter, the Parties entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at 4. The Parties filed the instant Settlement on August 14, 2023.

Background

On January 30, 2023, BCS summarized its discussions with Duquesne in a memo and referred the matter to I&E regarding Duquesne Light's alleged termination of service to customers without the 10-day notice. Settlement at 4.

The Settlement provides the following information describing Duquesne Light's procedures for issuing 10-day termination notices prior to the termination of electric service:

- Duquesne's Customer Care and Billing System ("CC&B") is the system that Duquesne utilizes for customer communication and collections actions, including the termination of residential service. Before residential service termination occurs, the CC&B is programmed to proceed through several prerequisite steps. Relevant to this matter, the CC&B is configured to require the provision of a 10-day termination notice as a precondition of proceeding with residential termination.
- KUBRA, Duquesne's external printing and mailing vendor², prints the 10-day termination notices and mails the notices out to the affected customers. Duquesne monitors KUBRA mailings via a "dashboard" that displays job status.

Settlement at 5-6.

Duquesne Light averred that, upon investigation, the root cause of the termination notice issue was an error in

¹ As discussed, *infra*, due to the nature of the violations and the number of customers affected, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

² According to the Settlement, KUBRA is a provider of customer experience management solutions to utility, government and insurance entities in North America. <https://www.kubra.com>. KUBRA is not affiliated with Duquesne Light Company. Settlement at 6.

the software used by KUBRA, a print vendor not affiliated with Duquesne Light that it hired to prepare and send the notices. Duquesne Light provided that KUBRA deployed a software update that contained a defect that prevented certain production jobs from printing. Duquesne Light explained that certain Duquesne Light print jobs exceeding 5,000 pages including the termination notices failed to print. Settlement at 6.

Duquesne Light identified contributing causes that led to the termination notice issue as follows:

- KUBRA's testing of the software update did not include test jobs exceeding 5,000 pages, so KUBRA did not identify the software error before it began to affect Duquesne print jobs on November 1, 2022.
- KUBRA failed to appropriately and timely escalate the issue internally or to Duquesne.
- Due to the late stage in KUBRA's print process at which the printing of the 10-day termination notices failed, the notices appeared in the CC&B as if they had been mailed on schedule. Therefore, the terminations of the affected customers proceeded erroneously.³
- Due to human error, the Duquesne employee monitoring the KUBRA "dashboard" in November 2022 did not identify that the three termination notice mailings at issue (on November 1, November 8, and November 15, 2022) had failed to print.
- Upon identifying the failure of the 10-day termination notices to print, Duquesne employees failed to appropriately escalate the issue for corrective action.

Settlement at 6-7.

Duquesne Light has implemented or will implement various quality and control measures in response to this incident. Settlement at 8—11.

By letter dated April 12, 2023, I&E issued a Data Request Letter informing Duquesne Light of the scope of its investigation and requesting a response to I&E's Set I consisting of eleven (11) data requests. Duquesne Light provided its responses on May 2, 2023. Settlement at 5.

I&E avers that had this matter been fully litigated, I&E would have proffered evidence that Duquesne Light had violated Sections 56.91(a), 56.191(a) and 56.35(a)(1)(i) Commission's Regulations as follows:

- 52 Pa. Code § 56.91(a)—which states that prior to termination of service to a customer, utilities shall provide written notice of the termination to the customer at least ten (10) days prior to the date of the proposed termination. (300 counts).
- 52 Pa. Code § 56.191(a)—which states that reconnection fees can only be required for the reconnection of service following lawful termination of the service. (206 counts).
- 52 Pa. Code 56.35(a)(1)(i)—which states, in summary, that a utility can require a cash deposit from an applicant who previously received public utility distribution services and was a customer of the public utility and whose service was terminated for nonpayment of a undisputed delinquent account. (64 counts).

Settlement at 7-8.

The results of I&E's investigation, which included a review of Duquesne Light's discovery responses and corrective actions already taken by Duquesne or directed to

³ The 10-day termination notice print failure did not affect Duquesne Light's processes for completing pre-termination personal contact as required by 52 Pa. Code § 56.93. Duquesne Light contacted or attempted to contact each affected customer at least 3 days prior to terminating the customer's service. Settlement at 6, n. 4.

be taken by Duquesne Light's vendor, formed the basis for the instant Settlement Agreement. Settlement at 11.

The proposed Settlement, which is attached to this Opinion and Order, has been filed by the Parties to provide a complete settlement of I&E's investigation of Duquesne Light's alleged violations of the Public Utility Code and the Commission's Regulations as it related to the termination of customer service without the required 10-day notice. The Parties urge the Commission to approve the Settlement as being in the public interest. Settlement at 11.

Terms of the Settlement

Pursuant to the proposed Settlement, I&E and Duquesne Light have agreed to the following:

1. Duquesne Light shall pay a civil penalty of Fifty Thousand Dollars (\$50,000.00) to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and the Commission's regulations in connection with the above alleged violations. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to Duquesne's customers in Pennsylvania.

Settlement at 11-12.

In response, I&E agrees that its informal investigation relating to Duquesne Light's conduct as described in the Settlement Agreement shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification, payment of the civil penalty, and completion of the remedial measures.

Settlement Appendix B at 4-5.

The proposed Settlement is conditioned on the Commission's approval without modification of any of its terms or conditions. If the Commission does not approve the proposed Settlement or makes any change or modification to the proposed Settlement, either Party may elect to withdraw from the Settlement. Settlement at 13.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we believe it is appropriate to publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement. Accordingly, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*;⁴ and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five (25) days after the date of publication in the *Pennsylvania Bulletin*; *Therefore,*

It Is Ordered That:

1. The Secretary's Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2023-3037937, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2023-3037937, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission's review of any comments filed in this proceeding, at Docket No. M-2023-3037937, a final Opinion and Order will be issued.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 21, 2023

ORDER ENTERED: September 21, 2023

⁴ Attached to this Opinion and Order for publication is the Settlement, Attachments, which include the redacted versions of Attachments A and B, and Appendices.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement

v.

Duquesne Light Company

: : : : : Docket No. M-2023-3037937

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") and Duquesne Light Company ("Duquesne" or "Company") hereby submit this Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") to resolve all issues related to an informal investigation initiated by I&E. I&E's investigation was initiated based upon information provided by the Commission's Bureau of Consumer Services ("BCS").

As part of this Settlement Agreement, I&E and Duquesne (hereinafter referred to collectively as the "Parties") respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Statements in Support of the Settlement expressing the individual views of I&E and Duquesne are attached hereto as Appendix B and Appendix C, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement, by its prosecuting attorney, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA, 17120, and Duquesne Light Company with a business address of 411 Seventh Avenue, Pittsburgh, PA 15219.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code ("Code"), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011)(delegating authority to initiate proceedings that are prosecutory in nature to I&E).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Duquesne (Utility Code 110150) is a "public utility" as that term is defined at 66 Pa.C.S. § 102,⁵ as it is engaged in providing electric utility services to the public

for compensation. Duquesne currently provides electric service to more than 600,000 customers in the Commonwealth of Pennsylvania.⁶

6. Duquesne, as a public utility, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

7. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code, the Commission's regulations, and/or orders. Section 3301 allows for the imposition of a fine for each violation and each day's continuance of such violation(s).

8. Pursuant to Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission's regulations, 52 Pa. Code § 3.113, Commission staff has the authority to conduct informal investigations or informal proceedings in order to gather data and/or to substantiate allegations of potential violations of the Code, Commission's regulations, and/or orders.

9. On December 2, 2022, Duquesne reached out to I&E to self-report to the Commission that it terminated service to customers without providing the customers with 10-day termination notices as required by the Commission's regulations. Among these customers were customers who were charged reconnection fees and customers who were assessed security deposits to restore their service. Duquesne subsequently provided additional information to I&E and BCS on December 29, 2022. Based on this information, BCS referred the matter to I&E. I&E determined that an informal investigation was warranted to ascertain whether the actions of Duquesne violated any regulations, laws, or orders that the Commission has jurisdiction to administer.

10. As a result of successful negotiations between I&E and Duquesne, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Parties agree to the settlement terms set forth herein and urge the Commission to approve the Settlement in its entirety as submitted as being in the public interest.

II. Background

11. On December 2, 2022, Duquesne reached out to I&E to inform the Commission that it had terminated

5 66 Pa.C.S. § 102 "Public Utility" (1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for: (i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

6 About Us | Duquesne Light Company (https://duquesnelight.com/company/about)

service to customers without providing the customers 10-day termination notices as required by the Commission's regulations. Among these customers were customers who were charged reconnection fees and customers who were assessed a security deposit to restore their service.

12. On December 29, 2022, Duquesne contacted I&E and BCS to provide additional information regarding the service terminations.

13. On January 30, 2023, BCS summarized its discussions with Duquesne in a memo and referred the matter to I&E.

14. On April 12, 2023, I&E submitted I&E Data Requests—Set I (“Data Requests”) to Duquesne. The Data Requests informed Duquesne that I&E had initiated an investigation concerning the issues raised in BCS's memo and requested a response to eleven (11) data requests.

15. On May 2, 2023, Duquesne submitted responses to I&E Data Requests—Set I (“Responses”).

16. Duquesne's responses revealed the following: (1) that three-hundred (300) customers had their service terminated without being provided with 10-day termination notices prior to termination, (2) that two-hundred and six (206) of these 300 customers were charged and paid reconnection fees in order to have their service restored, and (3) that sixty-four (64) of these 300 customers were assessed and paid a security deposit as a condition to having their service restored.

17. The issue concerning the termination notices was discovered on November 22, 2022, when Duquesne discovered that the notices were not mailed to the affected customers on November 1, November 8, and November 15, 2022.

18. The following relevant information concerns Duquesne's procedures when it comes to issuing 10-day termination notices prior to the termination of electric service.

- Duquesne's Customer Care and Billing System (“CC&B”) is the system that Duquesne utilizes for customer communication and collections actions, including the termination of residential service. Before residential service termination occurs, the CC&B is programed to proceed through several prerequisite steps. Relevant to this matter, the CC&B is configured to require the provision of a 10-day termination notice as a precondition of proceeding with residential termination.

- KUBRA, Duquesne's external printing and mailing vendor⁷, prints the 10-day termination notices and mails the notices out to the affected customers. Duquesne monitors KUBRA mailings via a “dashboard” that displays job status.

19. Duquesne determined that the root cause of the termination notice issue that is the subject to the instant I&E investigation was an error in the software used by KUBRA. Specifically, KUBRA deployed a software update that contained a defect that prevented certain production jobs from printing. As a result, certain Duquesne print jobs exceeding 5,000 pages, including 10-day termination notices, failed to print.

20. Duquesne additionally identified contributing causes that led to the termination notice issue. These contributing causes are as follows:

- KUBRA's testing of the software update did not include test jobs exceeding 5,000 pages, so KUBRA did not identify the software error before it began to affect Duquesne print jobs on November 1, 2022.

- KUBRA failed to appropriately and timely escalate the issue internally or to Duquesne.

- Due to the late stage in KUBRA's print process at which the printing of the 10-day termination notices failed, the notices appeared in the CC&B as if they had been mailed on schedule. Therefore, the terminations of the affected customers proceeded erroneously.⁸

- Due to human error, the Duquesne employee monitoring the KUBRA “dashboard” in November 2022 did not identify that the three termination notice mailings at issue (on November 1, November 8, and November 15, 2022) had failed to print.

- Upon identifying the failure of the 10-day termination notices to print, Duquesne employees failed to appropriately escalate the issue for corrective action.

III. Alleged Violations

21. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Duquesne violated Sections 56.91(a), 56.191(a), and 56.35(a)(1)(i) of the Commission's regulations.

22. Had this matter been fully litigated, Duquesne would have denied that it violated Sections 56.91(a), 56.191(a), and 56.35(a)(1)(i) of the Commission's regulations, raised defenses and/or mitigating factors in support of its defense, and defended against the same at hearing.

23. Duquesne terminated electric service to 300 customers without first providing the customers with 10-day termination notices.

If proven, this is a violation of Section 56.91(a) of the Commission's regulations, which states that prior to termination service to a customer, utilities shall provide written notice of the termination to the customer at least 10 days prior to the date of the proposed termination. See 52 Pa. Code § 56.91(a). (300 counts)

24. Duquesne required 206 customers to pay reconnection fees prior to the reconnection of their service where electric service had been improperly terminated.

If proven, this is a violation of Section 56.191(a) of the Commission's regulations, which states that reconnection fees can only be required for the reconnection of service following lawful termination of the service. See 52 Pa. Code § 56.191(a). (206 counts)

25. Duquesne collected security deposits from 64 customers where electric service had been improperly terminated.

If proven, this is a violation of Section 56.35(a)(1)(i) of the Commission's regulations, which states, in summary, that a utility can require a cash deposit from an applicant who previously received public utility distribution services and was a customer of the public utility and whose service was terminated for nonpayment of an undisputed delinquent account. See 52 Pa. Code § 56.35(a)(1)(i). (64 counts)

26. As a result of the 10-day termination notice issue, Duquesne made the following corrections to its procedures:

⁷ KUBRA is an industry-leading provider of customer experience management solutions to some of the largest utility, government and insurance entities in North America. <https://www.kubra.com>. KUBRA is not affiliated with Duquesne Light Company.

⁸ This 10-day termination notice print failure did not affect Duquesne's processes for effecting pre-termination personal contact as required under 52 Pa. Code § 56.93. Consistent with 52 Pa. Code § 56.93, Duquesne contacted or attempted to contact each affected customer at least 3 days prior to terminating the customer's service.

- In December 2022, as part of its initial response upon identifying the termination notice issue, retrained employees to review daily print jobs on the KUBRA “dashboard.” This December 2022 retraining specifically focused on identifying print jobs that failed to timely print. Duquesne performed additional trainings in connection with subsequent procedure updates, as discussed further below.

- Implemented enhanced monitoring of print/production in February 2023, when 10-day termination notice volume resumed. Process included:

- a) Assigned additional employees to review the KUBRA “dashboard.”

- b) Identified and trained backup reviewers.

- c) Prepared and trained written process document for reviewing KUBRA “dashboard.” This process includes a step-by-step procedure for reviewing and validating print job status, as well as a process for escalating any failed KUBRA print job to departmental management. This supplemented the Company’s separate procedure for internal escalation of failures of high-priority KUBRA print jobs (see below), and serves as a redundant safeguard to KUBRA’s corrective actions regarding identification and escalation of failed print jobs (see below). See Attachment A.

- Implemented and trained procedure for identification and internal escalation of high-priority failed KUBRA print jobs. This procedure provides a list of high-priority print jobs, comprising termination notices, bills, application denial letters, and other time-sensitive letters. The procedure provides that any such high-priority job that fails to timely print will be escalated to multiple departments within Duquesne for corrective action. This procedure serves as a redundant safeguard to KUBRA’s corrective actions regarding identification and escalation of failed print jobs (see below). See Attachment B.

- Validated that Duquesne’s CC&B is configured to require the provision of a 10-day notice as a precondition of proceeding with residential termination.

- Additionally, Duquesne and KUBRA developed a “Corrective Action Plan” under which KUBRA:

- a) Retrained relevant personnel on identification, escalation, and handling of any issues that prevent a document from printing in accordance with KUBRA’s service level agreement requirements (“SLAs”).

- b) Implemented processes for creation and escalation of support ticket if an SLA is missed (and/or a job otherwise fails to print) for Duquesne. These include manual processes implemented in January 2023, as well as automated processes implemented in April and May 2023.

- c) Refined and implemented communication processes for notifying Duquesne stakeholders of production issues/missed SLAs. These processes include:⁹

- (1) KUBRA to email Duquesne on the same day that an SLA is not met (and/or a job otherwise fails to print) by 8 p.m. for jobs scheduled to print that day. Such emails shall be provided manually, or automatically upon implementation of automated “SLA Late” alerts in April

⁹ These items in (c) are a mix of new processes and clarifications of preexisting escalation processes under KUBRA’s Service Level Agreement (SLA). (c)(1) adds: (i) clarification that the escalation process applies to any job that fails to print, irrespective of whether it constitutes a “missed” SLA (this clarification addresses KUBRA’s initial misclassification of the Nov. 2022 issue); (ii) further detail on the timing and format of escalation notifications; and (iii) a new obligation for KUBRA to automate alerts where a print job fails. (c)(2) adds a new obligation for KUBRA to ensure Duquesne receives escalated items. (c)(3) adds KUBRA’s obligation to provide a timeline for corrective actions, which augments their preexisting obligation to timely resolve service level failures.

2023. Such emails will be sent separately from other emails to Duquesne (e.g., routine “completed” or “SLA met” emails)

- (2) Duquesne will acknowledge receipt of such notifications. Should KUBRA not receive such acknowledgement by 9 a.m. the calendar day following the SLA/print issue, KUBRA will successively call Duquesne contacts until reaching an individual.

- (3) Within a reasonable time following such notification alert, KUBRA will also separately provide information to Duquesne including, for example, KUBRA’s plans of corrective actions and estimated timeline to implement such actions.

- d) Reviewed and updated Duquesne and KUBRA escalation contacts (phone, email).

- e) KUBRA agreed to notify Duquesne at least 24 hours in advance of when KUBRA puts system updates into production.

- f) KUBRA added print application testing protocols to ensure that testing covers all reasonably-foreseeable print jobs/conditions.

See Attachment C.

27. Duquesne took the following corrective measures regarding the customers impacted by the 10-day termination issue:

- By December 5, 2022, completed service restoration to two hundred and ninety-eight (298) of the 300 customers who had their service terminated. The premises of the remaining two customers are vacant.

- By December 2, 2022, refunded the reconnection fees (\$4,129 in total) that it collected from the 206 affected customers.

- By January 10, 2023, refunded the security deposits (\$23,029 in total) that it collected from the 64 affected customers.

28. The results of I&E’s investigation, which included review of Duquesne’s 11 discovery responses and corrective actions already taken by Duquesne or directed to be taken by Duquesne’s vendor, formed the basis for the instant Settlement Agreement.

IV. Settlement Terms

29. Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held discussions that culminated in this Settlement. I&E and Duquesne desire to (1) terminate I&E’s informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The terms of the Settlement, for which the Parties seek Commission approval, are set forth below:

- a) Duquesne shall pay a civil penalty of Fifty Thousand dollars (\$50,000) to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and the Commission’s regulations in connection with the above alleged violations. Said payment shall be made within thirty (30) days of the date of the Commission’s Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the “Commonwealth of Pennsylvania” and sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to Duquesne's customers in Pennsylvania.

30. In consideration of the Company's payment of a monetary civil penalty of \$50,000, I&E agrees to forgo the institution of any formal complaint that relates to the Company's conduct as described in the Settlement Agreement. Nothing contained in this Settlement Agreement shall adversely affect the Commission's authority to receive and resolve any informal or formal complaints filed by any affected party with respect to the incident, except that no penalties beyond the civil penalty amount agreed to herein may be imposed by the Commission for any actions identified herein.

31. I&E and Duquesne jointly acknowledge that approval of this Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations of the termination procedure violations that are the subject of the I&E's informal investigation and avoids the time and expense of litigation, which entails hearings and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals. Attached as Appendices A and B are Statements in Support submitted by I&E and Duquesne, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

V. Conditions of Settlement

32. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the parties involved. This Settlement Agreement shall be construed and interpreted under Pennsylvania law, without regard to its conflicts of laws provisions.

33. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Settlement Petition without modification. If the Commission rejects or modifies this Settlement Agreement, any party may elect to withdraw from this Settlement Agreement and may proceed with litigation or take other such action and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) business days after entry of an Order modifying the Settlement.

34. The benefits and obligations of this Settlement Agreement shall be binding upon the successors and assigns of the Parties to this Agreement.

35. The Parties agree that the underlying allegations were not the subject of any hearing or formal procedure and that there has been no order, findings of fact or conclusions of law rendered in this proceeding. It is further understood that, by entering into this Settlement Agreement, Duquesne has made no concession or admission of fact or law and may dispute all issues of fact and

law for all purposes in all proceedings that may arise as a result of the circumstances described in this Settlement Agreement.

36. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding.

37. If either party should file any pleading, including comments, in response to an order of the Commission, the other party shall have the right to file a reply.

38. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. This Settlement Agreement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement Agreement does not preclude the Parties from taking other positions in any other proceeding.

39. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Duquesne Light Company respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest.

Respectfully submitted,

Date: August 14, 2023 Michael Zimmerman
 Manager and Assistant General
 Counsel,
 Regulatory Law
 Duquesne Light Company

Date: August 14, 2023 Michael L. Swindler
 Deputy Chief Prosecutor,
 Bureau of Investigation and En-
 forcement
 Pennsylvania Public Utility
 Commission

Attachments A and B

(Attachments were omitted due to confidentiality.)

Attachment C

Corrective Action Plan Agreement

Whereas, Duquesne Light Company ("DLC") and KUBRA Data Transfer Ltd. ("KUBRA") are parties to an Equipment and Services Terms and Conditions (the "Agreement") dated October 11, 2018, as amended June 17, 2019, and the KUBRA enterprise service Agreement ("Service Agreement") dated October 9, 2018;

Whereas, pursuant to the Agreement and the Service Agreement, KUBRA agreed, among other things, to mail certain letters known as "Coupon Letters" to DLC customers on behalf of DLC;

Whereas, KUBRA failed to print and mail the aforementioned "coupon letters" on three (3) specific dates: Novem-

ber 1, November 8, and November 15, 2022, and failed to notify DLC that the letters were not printed and mailed.

Whereas, KUBRA's failure to provide services in accordance with the Service Agreement resulted in harm to DLC;

Whereas, DLC and KUBRA have agreed to certain corrective actions to prevent further harm and to eliminate the risk of future failures on the part of KUBRA to perform as expected under the Agreement and the Service Agreement; and

Whereas, DLC and KUBRA wish to continue a business relationship under the existing terms of the Agreement and Service Agreement and agree that this Corrective Action Plan Agreement ("CAP Agreement") shall be put in place to remedy the aforementioned nonperformance;

Now Therefore, in consideration of the terms and conditions of this agreement and other good and valuable consideration, the sufficiency of which is hereby acknowledged. DLC and KUBRA, intending to be legally bound hereby, agree as follows:

1. *Recitals:* The foregoing recitals are hereby incorporated by reference as if fully set forth herein.


2. *Term:* This CAP Agreement shall be effective upon the date of execution and will remain in full force and effect for the duration of the relationship between KUBRA and DLC as set forth in the Agreement.

3. *Corrective Action:* The corrective action shall be undertaken as detailed in the Corrective Action Plan attached hereto as Exhibit A and incorporated by reference herein.

4. *Survival:* Any provision of this CAP Agreement which contemplates performance or observance subsequent to any termination or expiration of this CAP Agreement shall survive termination of this CAP Agreement of the Agreement, Service Agreement or CAP Agreement.

5. *Effect:* This CAP Agreement does not affect the validity, legality, or enforceability of any portion or provision of the Agreement or the Service Agreement.

In Witness Whereof, KUBRA and DLC have executed this Corrective Action Plan Agreement:

DUQUESNE LIGHT COMPANY	KUBRA DATA TRANSFER LTD.
By: <i>Edwin Schuck</i>	By: 
Title: Interim Director, Revenue Management	Title: President and CEO
Date: 3/10/23	Date: 5/18/2023

**Corrective Action Plan
KUBRA Bill and Letter Printing and Mailing Processes**

Deficiencies Identified:

KUBRA failed to print and mail certain letters (those in a specific batch known as "coupon letters") on behalf of Duquesne Light Company (DLC) on 3 specific dates: November 1, November 8, and November 15, 2022.

Kubra failed to notify DLC that these letters were not printed.

Root Cause(s):

Defect in Coupon Letter XML Application update:

On October 28, 2022, KUBRA made an update to its Coupon Letter XML application. This application update included a defect that prevented certain production jobs exceeding 5,000 pages from printing. KUBRA's testing of the application update did not include test jobs exceeding 5,000 pages, and KUBRA did not detect this defect until it began to affect DLC projection jobs on November 1, 2022.

Failure to properly classify the defect as critical and escalate for resolution:

KUBRA's Operations team identified the first issue on November 1, 2022, and notified KUBRA's Support team, but did so through a support ticket classified as "change request" rather than "critical", as it should have been.

KUBRA's Support team created a new support ticket but also failed to mark the ticket as "critical" or a "production error."

As a result, KUBRA initially did not assign a high priority to the tickets, and did not assign or escalate the tickets to Kubra's Application support team responsible for correcting the defect.

The sequence described above repeated on November 8 and 15, when DLC's coupon letter batch included more than 5,000 pages.

In each instance, KUBRA's Support and Operations teams did not escalate the issue to KUBRA senior management. Additionally, because KUBRA did not identify the issue as a production error, KUBRA did not follow a process to notify DLC on the same day that it identifies a production error affecting a DLC job.

Immediate Action Taken to Prevent Further Issues:

KUBRA identified the defect in the Coupon Letter XML Application update, and rolled back the update on November 22, 2022. KUBRA has also implemented and trained certain processes to improve the timely identification and escalation of defects affecting print production, as dismissed further herein.

Corrective Action Plan:

Note: KUBRA will provide written confirmation to DLC indicating the completion of each Action noted below, as they are completed.

	<i>Action</i>	<i>Responsible</i>	<i>Due Date</i>
1	KUBRA to train Operations team and Support team on process to (i) classify issues affecting production as “production errors,” (ii) assign such issues highest priority for resolution, and (iii) and internally escalate issues where documents of any type (bills, letters, coupon letters, etc.) fail to print and/or SLAs are not met.	KUBRA	Complete
2	Provide documentation (to DLC) of a communication plan that has been created to address critical issues and provide responses to DLC stakeholders (as noted in Incident Report provided by KUBRA to DLC).	KUBRA	Complete
3	KUBRA to implement manual process to create a support ticket if an SLA is missed (and/or a job otherwise fails to print) for DLC. <ul style="list-style-type: none"> • KUBRA to manually create ticket if any SLA is not met (and/or a job otherwise fails to print) by 8 p.m. for jobs scheduled to print that day; and • KUBRA to train and retrain relevant teams on a continuing basis to ensure that such support tickets are treated as a production error—i.e., assigned the highest priority and resolved at the earliest opportunity; and • Initiate communication processes as outlined in (6) below. 	KUBRA	Complete
4	KUBRA to implement system enhancements to automate support ticket creation process identified in (3) above.	KUBRA	5/31/2023
5	KUBRA to implement system enhancements (in additional to manual checks) to automatically generate an “SLA Late” alert if an SLA is missed (and/or a job otherwise fails to print, and/or a job does not reach “Job Complete / DONE” status) for DLC jobs scheduled to print that day.	KUBRA, DLC	4/30/2023
6	Refine and implement communication processes for notifying DLC stakeholders of production issues/missed SLAs. Processes to include: <ul style="list-style-type: none"> • KUBRA to email DLC on the same day that an SLA is not met (and/or a job otherwise fails to print) by 8 p.m. for jobs scheduled to print that day. Such emails shall be provided manually pursuant to item (3), or automatically as part of “SLA Late” alerts when such process is implemented pursuant to (5). Such emails will: <ul style="list-style-type: none"> ○ Be sent separately from other emails to DLC (e.g., routine “completed” or “SLA met” emails) • DLC will acknowledge receipt of such notifications. Should KUBRA not receive such acknowledgement by 9 a.m. the calendar day following the SLA/print issue, KUBRA will successively call DLC contacts identified under item (7) below until reaching an individual. • Within a reasonable time following such notification alert, KUBRA will also separately provide information to DLC including, for example, KUBRA’s plans of corrective actions and estimated timeline to implement such actions. 	KUBRA, DLC	Complete
7	Review and update DLC and KUBRA escalation contacts (phone, email).	KUBRA, DLC	Complete
8	Implement process to notify DLC 24 hours in advance of when KUBRA puts system updates into production.	KUBRA	Complete
9	To the extent “killed jobs” are not recorded as missed SLAs, KUBRA and DLC to identify process to provide notification of all “killed jobs” to DLC stakeholders and escalation contacts.	KUBRA, DLC	Complete
10	Review print application testing protocols to ensure that testing covers all reasonably-foreseeable print jobs/conditions.	KUBRA	Complete

**Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. M-2023-3037937
	:	
Duquesne Light Company	:	

PROPOSED ORDERING PARAGRAPHS

1. That the Joint Petition for Approval of Settlement filed on August 14, 2023 between the Commission’s Bureau of Investigation and Enforcement and Duquesne Light Company is approved in its entirety without modifications.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, Duquesne Light Company shall pay Fifty Thousand dollars (\$50,000), which consists of the entirety of the civil penalty amount. Said payment shall be made by certified check or money order payable to “Commonwealth of Pennsylvania” and shall be sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. That the civil penalty shall not be tax deductible or passed through as an additional charge to Duquesne’s customers in Pennsylvania.

4. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.

5. That the above-captioned matter shall be marked closed upon receipt of Duquesne Light Company’s payment of the civil penalty.

**Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. M-2023-3037937
	:	
Duquesne Light Company	:	

BUREAU OF INVESTIGATION AND ENFORCEMENT STATEMENT IN SUPPORT OF THE JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Duquesne Light Company (“Duquesne” or “Company”).¹⁰ I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

In December 2022, Duquesne reached out to the Commission’s Bureau of Consumer Services (“BCS”) to self-report to the Commission that it had terminated service to certain customers without providing 10-day termination notices as required by the Commission’s regulations. Among these customers were customers who were ultimately charged reconnection fees and customers who were assessed a security deposit to restore their service.

On January 30, 2023, BCS summarized its discussions with Duquesne in a memo and referred the matter to I&E.

On April 12, 2023, I&E submitted I&E Data Requests—Set I (“Data Requests”) to Duquesne. The Data Requests informed Duquesne that I&E had initiated an investigation concerning the issues raised in BCS’s memo and requested a response to eleven (11) data requests. On May 2, 2023, Duquesne timely provided its responses to the Data Requests.

In light of the facts uncovered in I&E’s informal investigation, the Parties began discussing settlement to amicably resolve the instant matter.

On August 14, 2023, the Parties filed a Joint Petition for Approval of Settlement resolving all issues between the Parties in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. The Public Interest

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties discussed settlement of this matter. These discussions culminated in the Settlement Agreement,

¹⁰ I&E and Duquesne are collectively referred to herein as the “Parties.”

which, once approved, will resolve all issues related to I&E's informal investigation involving allegations: (1) that Duquesne terminated electric service to three-hundred (300) customers without providing the customers with 10-day termination notices prior to termination, in violation of Section 56.91(a) of the Commission's regulations, (2) that Duquesne required reconnection fees from two-hundred and six (206) customers for the reconnection of their service following the unlawful termination of their service, in violation of Section 56.191(a) of the Commission's regulations, and (3) that Duquesne collected security deposits from sixty-four (64) customers whose electric service had been improperly terminated, in violation of Section 56.35(a)(1)(i) of the Commission's regulations.

As discussed in the Settlement, Duquesne asserted that the external and internal issues that led to the alleged violations have been corrected and that no further terminations have resulted from the now corrected issues. Duquesne has further asserted, to which I&E acknowledges, that it moved quickly to rectify the damage done to the affected customers. Specifically, Duquesne restored service to the affected customers and refunded the reconnection fees and security deposits collected from the affected customers.

Had this matter proceeded to litigation, I&E intended to prove the factual allegations set forth in its investigation at hearing to which Duquesne would have disputed. The Settlement Agreement results from the compromises of the Parties. I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. Here, Duquesne has already implemented the appropriate remedies that have rectified the damage done to the affected customers and, to date, have proven to have effectively resolved the violations that were the subject of I&E's informal investigation.

I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

III. Terms of Settlement

Under the terms of the Settlement Agreement, and noting that Duquesne has already completed implementation of all appropriate non-monetary remedial measures, I&E and Duquesne have agreed to the following:

b) Duquesne shall pay a civil penalty of Fifty Thousand dollars (\$50,000.00) to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and the Commission's regulations in connection with the above alleged violations. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to Duquesne's customers in Pennsylvania.

Upon approval by the Commission of the Settlement Agreement without modification and in consideration of the Company's payment of a monetary civil penalty of \$50,000.00, I&E agrees that its informal investigation relating to Duquesne's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Duquesne at the Commission that relates to the Company's conduct as described in the Settlement Agreement.

IV. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, *et al.* (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "*will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest.*" *Id.* (emphasis added).

The first factor considers whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty. 52 Pa. Code § 69.1201(c)(1). I&E acknowledges that the unlawful terminations at issue, and the reconnection fees and security deposits unlawfully collected as a result, were caused primarily by technical errors and not the result of willful fraud or misrepresentation. Specifically, the cause of the failure of the 10-day termination notices to be mailed to 300 customers prior to service termination was a defect in the software used by Duquesne's external printing and mailing vendor KUBRA that prevented

certain Duquesne production jobs, including the production of 10-day termination notices, from printing. KUBRA did not identify the software defect until the defect began to impact Duquesne print jobs. Due to the late stage in KUBRA's print process at which the printing of the notices failed, the notices appeared in Duquesne's Customer Care and Billing System ("CC&B") as if the notices had been mailed on schedule.¹¹ Thus, termination on the affected customers proceeded erroneously. Once the technical errors were discovered, Duquesne worked quickly in conjunction with KUBRA to resolve the issues. As the conduct at issue involved technical errors with KUBRA's software and Duquesne's CC&B, review of this factor weighs in favor of a lower penalty.¹²

The second factor considers whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E's informal investigation did not result in any finding that Duquesne's alleged conduct resulted in personal injury or property damage. Nonetheless, the consequences of Duquesne's conduct resulted in the termination of electric service to 300 customers and the collection of improper fees from 206 customers who paid reconnection fees to Duquesne and 64 customers who paid security deposits to Duquesne. I&E acknowledges that Duquesne worked quickly to restore service to the affected customers and to refund the reconnection fees and security deposits to the affected customers. However, the potential safety consequences and inconveniences that the affected customers had to endure without electricity, albeit for a short period of time, are consequences of a serious nature. The inconveniences caused by customers being without money that they would otherwise have if they had not paid improper fees for service restoration are also consequences of a serious nature. Therefore, review of this factor weighs in favor of a higher penalty.

The third factor considers whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty. 52 Pa. Code § 69.1201(c)(3). This factor does not apply in this matter because this matter has been resolved through settlement, not litigation.

The fourth factor considers whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered. 52 Pa. Code § 69.1201(c)(4). I&E acknowledges that Duquesne modified its internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications include: (1) implementing several initiatives to ensure that Duquesne's CC&B is configured to require the provision of a 10-day notice as a precondition of proceeding with residential termination safeguard functions appropriately, (2) retraining employees when it comes to reviewing the KUBRA "dashboard,"¹³ as well as employing additional employees to

review the "dashboard," and (3) implementing procedures for the internal escalation of print job failures. These modifications have been completed by Duquesne as of the date of the Settlement. Additionally, KUBRA has made several corrections to its practices to prevent similar conduct from reoccurring in the future. As of the date of the Settlement, I&E is not aware of any further illegal terminations caused as a result of the conduct discussed in the Settlement. In summary, review of this factor weighs in favor of a lower penalty.

The fifth factor considers the number of customers affected and the duration of the violation. 52 Pa. Code § 69.1201(c)(5). As noted above, Duquesne unlawfully terminated electric service to 300 customers. Of those 300 customers, 206 customers unlawfully paid reconnection fees to restore their service, and 64 customers unlawfully paid a security deposit to restore their service. Given that Duquesne provides electric service to over 600,000 customers in Pennsylvania, Duquesne's violations only affected a small portion of its customer base. With respect to the duration of the violations, these violations occurred in November 2022 and Duquesne self-reported these violations to the Commission in December 2022. Service was restored to all but two of the affected customers by December 5, 2022.¹⁴ The reconnection fees were refunded to all 206 affected customers by December 2, 2022, and the security deposits were refunded to all 64 affected customers by January 10, 2023. Given the information above, Duquesne discovered and acknowledged its wrongdoings shortly after they occurred and acted expeditiously to rectify the violations. In fact, Duquesne had rectified the violations long before the initiation of I&E's informal investigation into the matter on April 12, 2023. In summary, review of this factor weighs in favor of a lower penalty.

The sixth factor considers the compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty. 52 Pa. Code § 69.1201(c)(6). I&E is not aware of any Informal or Formal Complaints filed with the Commission against Duquesne relating to the conduct at issue. Review of Duquesne's compliance history with the Commission reveals that Duquesne has a strong compliance history regarding customer service terminations, especially given the size of the Company. In addition, neither the Code nor the Commission's Regulations require utilities to provide constantly flawless service to its customers. Therefore, review of this factor weighs in favor of a lower penalty.

The seventh factor considers whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty. 52 Pa. Code § 69.1201(c)(7). I&E submits that Duquesne fully cooperated in the informal investigation in this matter, including timely responding to I&E's Data Requests as well as participating in settlement discussions. Therefore, review of this factor weighs in favor of a lower penalty.

The eighth factor considers the amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount. 52 Pa. Code § 69.1201(c)(8). Analysis of the majority of the *Rosi* factors addressed above weigh in favor of a lower penalty, and I&E submits that the amount of the civil penalty amicably agreed to

¹¹ The CC&B is configured to require the provision of a 10-day termination notice as a precondition of proceeding with residential termination.

¹² Although the violations stemmed from KUBRA's actions and were not intentional, Duquesne remains legally responsible for the alleged violations.

¹³ Duquesne monitors KUBRA mailings via a "dashboard" that displays the job status of Duquesne's KUBRA production jobs.

¹⁴ The premises of the remaining two customers are vacant.

herein is substantial and sufficient to deter Duquesne from committing future violations involving the conduct at issue.

The ninth factor considers past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). While recognizing that each settlement should be based on the individual facts and circumstance of that case and that the parties have flexibility in crafting agreements that will be palatable to the settling parties, I&E nevertheless considered a number of prior Commission decisions in arriving at the civil penalty in this matter, including the following: *Pa. Pub. Util' Comm Prosecutory Staff v. Metropolitan Edison Co., Pennsylvania Electric Co. and Pennsylvania Power Co. d/b/a FirstEnergy, and Pennsylvania Power Co. d/b/a FirstEnergy*, M-2009-2112849 (Opinion and Order entered December 7, 2009) (492 customers had their service terminated without receiving the required 10-day termination notice. The Commission approved a Settlement with modifications, ordering First Energy to make contributions in the amount of \$200,000 to hardship programs, in addition to the credits First Energy agreed to make towards its customers); *Pa Pub. Util' Comm Bureau of Investigation and Enforcement v. PECO Energy Co.*, M-2021-3014286 (Opinion and Order entered December 8, 2022) (48,536 distinct customers had their service terminated without being personally contacted by PECO prior to termination as required by the Public Utility Code and Commission's regulations. The Commission approved a Settlement with modifications, ordering PECO to pay a \$200,000 civil penalty in addition to providing a \$100,000 contribution to its Matching Energy Assistance Fund. The civil penalty and contribution were increased from the amounts proposed in the Settlement to account for the Settlement's failure to address penalties associated with PECO's unlawful collection of reconnection fees from the customers in violation of the Public Utility Code and Commission's regulations); *Pa Pub. Util' Comm Bureau of Investigation and Enforcement v. Aqua Pa Inc.*, M-2023-3031237 (Opinion and Order entered June 15, 2023) (67 customers had their service terminated following expiration of their 10-day termination notices. The Commission approved a Settlement without modifications, ordering Aqua to pay a \$33,500 civil penalty). In support of the civil penalty reached here, it is important to again note that Duquesne worked quickly to restore service to the affected customers and to refund

the reconnection fees and security deposits to the affected customers and that all procedural modifications had already been completed by the time the Parties had agreed to the Settlement.

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further proceedings at what would have been a substantial cost in time and resources to the Parties and this Commission.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,
 Michael L. Swindler
 Deputy Chief Prosecutor
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 Dated: August 14, 2023

Appendix C

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement :
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 v. : Docket No. M-2023-3037937
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 Duquesne Light Company :

DUQUESNE LIGHT COMPANY'S STATEMENT IN SUPPORT OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I. *Introduction*

Duquesne Light Company ("Duquesne Light" or the "Company") hereby submits this Statement in Support of the Joint Petition for Approval of Settlement ("Settlement") entered by the Company and the Pennsylvania Public Utility Commission's ("Commission") Bureau of

Investigation and Enforcement ("I&E"). This Settlement, if approved, resolves all issues in the above-captioned proceeding, which concerns I&E's informal investigation into certain terminations of residential service on three nonconsecutive days in November of 2022.

Duquesne Light provides electric distribution, transmission, and default supply service to approximately 600,000 customers in its certificated service territory, which comprises approximately 817 square miles in Allegheny

County and Beaver County, Pennsylvania. Duquesne Light is a “public utility” and “electric distribution company” as those terms are as defined under the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

In December 2022, the Company contacted I&E and BCS to inform the Commission that it had terminated service to certain customers in November 2022, without providing the customers 10-day termination notices as required by the Commission’s regulations. Among these customers were customers who were charged reconnection fees and customers who were assessed a security deposit to restore their service. On January 30, 2023, BCS summarized its discussion with the Company in a memo to I&E and on April 12, 2023, I&E submitted Data Requests—Set I (“Data Requests”) to the Company. The parties exchanged information and engaged in settlement negotiations as part of this informal investigation. As a result of these efforts, the parties reached a Settlement that resolves all issues without the need for litigation. Under this Settlement, the Company will pay a civil penalty of \$50,000. This Settlement also obviates the need for the parties and the Commission to devote resources to a litigated formal complaint proceeding. For these reasons and as set forth below, the Settlement is just and reasonable, and should be approved.

II. Commission Policy Favors Settlement

Commission policy favors settlements. See 52 Pa. Code § 5.231(a). Settlements lessen the time and expense the parties must expend litigating a case and conserve administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. See 52 Pa. Code § 69.401. To accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433 (August 31, 2012).

III. The Settlement Is In The Public Interest

a. Background

The parties achieved this Settlement following a thorough investigation by I&E, including written data requests, into the customer terminations that occurred in November 2022. The parties agree that the Settlement constitutes a reasonable compromise of the issues I&E identified through its investigation. The parties further agree that the Settlement “avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply exceptions” (Settlement ¶ 30), and that “adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that [the parties] might incur in such an appeal.” (Settlement ¶ 30.)

Pursuant to Settlement ¶¶ 28-29, the Company shall pay a civil penalty of \$50,000, which “shall not be tax deductible or passed-through as an additional charge to Duquesne Light’s customers in Pennsylvania.” The Company shall make payment of the civil penalty within 30 days of a Commission Order or Secretarial Letter approving the Settlement without modification. Settlement, Proposed Ordering Paragraph ¶ 2. In exchange for stipulat-

ing to these terms, I&E has agreed to conclude its informal investigation and not institute any Formal Complaint related to these issues. See Settlement ¶ 29.

The terms of the Settlement are just and reasonable and are in the public interest. The customer terminations affected approximately 300 customers, each of whom had their service terminated without being provided with a 10-day termination notice, where 206 of these 300 customers were charged and paid reconnection fees to be restored, and 64 of the 300 customers were assessed and paid a security deposit to be restored. See Settlement ¶ 15. The Settlement recognizes the seriousness of these issues, balanced with: (1) the Company’s full cooperation in I&E’s informal investigation; (2) the Company’s prompt, voluntary notification of the Commission of the customer terminations; (3) the unintentional nature of the customer terminations; and (4) the Company’s prompt corrective actions, investigation, and implementation of protective measures.

b. The Settlement Conforms to Applicable Commission Standards

Approval of the Settlement Agreement is consistent with the Commission’s Policy Statement for Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations, 52 Pa. Code § 69.1201 (“Policy Statement”).

The Policy Statement outlines ten (10) factors that the Commission may consider when evaluating whether a civil penalty for violating a Commission order, regulation, or statute. 52 Pa. Code § 69.1201. The Commission applies the factors more strictly in litigated cases; in settled matters, parties have flexibility in reaching amicable resolutions, so long as the settlements serve the public interest. 52 Pa. Code § 69.1201(b).

The first factor assesses the seriousness of the conduct involved. Conduct that involves fraud or misrepresentation is more serious and may warrant a higher civil penalty, while administrative or technical errors are less serious and may warrant a lower penalty.

52 Pa. Code § 69.1201(c)(1). Here, the erroneous terminations were caused by a technical error, *see* Settlement ¶ 19, which weighs in favor of a lower civil penalty.

The second factor takes into account the severity of the consequences resulting from the Company’s alleged misconduct. Consequences involving serious matters such as personal injury or property damage may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). The Company acknowledges that the termination of service to customers without 10-day termination notices¹⁵ is serious and can have negative impacts to affected customers. However, the Company has is not aware of any instances of personal injury or property damage attributable to these terminations.

The third factor, which considers whether the alleged conduct was intentional or negligent, only applies to litigated cases. 52 Pa. Code § 69.1201(c)(3). This factor does not apply here because this matter is being resolved by Settlement. Under the fourth factor, the Commission considers:

¹⁵ The software error that caused 10-day termination notices to fail did not affect Duquesne Light’s other procedures related to service termination. For example, although the affected customers did not receive 10-day termination notices, Duquesne contacted or attempted to contact each affected customer at least 3 days prior to terminating the customer’s service pursuant to 52 Pa. Code § 56.93. *See* Settlement FN 4.

Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

52 Pa. Code § 69.1201(c)(4).

Here, the Company undertook prompt and comprehensive actions to address the erroneous terminations and prevent future recurrences. In the immediate term upon identifying the issue, the Company acted swiftly to restore service to affected customers, and refunded security deposits and reconnected fees shortly thereafter. See Settlement ¶ 26. The Company also implemented interim protective measures to ensure against issue recurrence while it investigated further. See Settlement ¶ 25.

The Company then performed a thorough investigation to determine the root cause and contributing causes underlying the issue. See Settlement ¶¶ 19-20. Although the Company's investigation indicated that the root cause of the issue—a software error—had already been corrected, the Company developed and implemented a range of additional corrective actions to protect against future notice printing issues, and to better identify, escalate, and correct issues that do occur. See Settlement Attachments A—C. These corrective actions included a formal Corrective Action Plan between the Company and KUBRA, under which KUBRA implemented several technology and process improvements to address issues identified through the Company's root cause investigation. See Settlement Attachment C. The Company also implemented new and updated internal procedures, which serve in part as redundant safeguards to KUBRA's technological and process controls. See Settlement ¶ 25.

Notably, the Company undertook these efforts on its own violation prior to the initiation of investigation by the Bureau of Investigation & Enforcement. The Company's prompt, thorough, and voluntary actions demonstrate the seriousness with which it addressed this issue, as well as its commitment to preventing future recurrence. These facts weigh in favor of a lower civil penalty.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). 300 customers were affected, i.e., their service was terminated without first receiving a 10-day termination notice. This number of customers is not insignificant; however, it is comparatively small. These affected customers constitute less than 0.06% of the Company's approximately 540,000 residential customers. These facts were considered when calculating the civil penalty.

The sixth factor considers the Company's compliance history. 52 Pa. Code § 69.1201(c)(6). "An isolated incident from an otherwise compliant utility may result in a lower penalty, while frequent, recurrent violations by a utility may result in a higher penalty." *Id.* The Company's compliance history is strong. Prior to this incident, the Company's CC&B system and related procedures consistently ensured appropriate issuance of 10-day termination notices to residential customers. The Company's failure to mail such notices to affected customers on the three days

in November 2022 was an isolated incident. This weighs in favor of a lower civil penalty.

The seventh factor concerns the Company's cooperation with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). Here, the Company fully cooperated with I&E in its investigation. The Company proactively self-reported this issue to I&E on December 2, 2022, and followed up with additional information on December 29, 2022. See Settlement ¶¶ 11-12. Upon I&E's initiation of its informal investigation, the Company provided timely and complete responses to I&E's discovery requests (see Settlement ¶¶ 14-15), and engaged actively with I&E to arrive at the instant Settlement. This cooperation weighs in favor of a lower civil penalty.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). A civil penalty amount of \$50,000.00, which is not tax deductible, is substantial and sufficiently incents the Company to prevent future occurrences of this issue.¹⁶

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). The Company is not aware of prior Commission decisions that are on point here.

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). In regard to this factor, the Company submits that its pre-investigation cooperation with Commission staff is relevant here. Specifically, the Company voluntarily self-reported this issue to Commission staff on December 2, 2022, and followed up with further information on December 29, 2022. See Settlement ¶ 11-12. Additionally, it is in the public interest to settle this matter so as to avoid the expense and uncertainty of litigation. These factors weigh in favor of the civil penalty provided under the Settlement.

In light of the foregoing, a civil penalty of \$50,000 is appropriate under the specific circumstances of this case, and the Commission should approve this settlement provision without modification.

IV. Conclusion

Wherefore, for the reasons explained above, and those set forth in the Settlement, the terms of the Settlement are just and reasonable and in the public interest, and the Pennsylvania Public Utility Commission should approve the Settlement without modification.

Respectfully Submitted,

Michael Zimmerman
 Manager and Assistant General
 Counsel, Regulatory Law
 Duquesne Light Company
 411 Seventh Avenue
 MD: 15-7
 Pittsburgh, PA 15219
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 Email:
 mzimmerman@duqlight.com
 Attorney for Duquesne Light
 Company

Dated: August 14, 2023

¹⁶ In fact, as noted above in its discussion of the fourth factor (52 Pa. Code § 69.1201(c)(4)), the Company promptly investigated this issue and took corrective actions on its own volition, before facing a Commission investigation or administrative penalty. This proposed administrative penalty of \$50,000 further amplifies the Company's demonstrated pre-existing incentives to prevent recurrences of this issue.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement

v.

Duquesne Light Company

: : : : : Docket No. M-2023-3037937

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement and Statements in Support dated August 14, 2023, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via Electronic Mail Michael Zimmerman Manager and Assistant General Counsel, Regulatory Law 411 Seventh Avenue Mail drop 15-7 Pittsburgh, PA 15219 mzimmerman@duqlight.com

Michael L. Swindler Deputy Chief Prosecutor Bureau of Investigation and Enforcement PA Attorney ID No. 43319 (717) 783-6369 mswindler@pa.gov

STATEMENT OF VICE CHAIR KIMBERLY BARROW

Prior to joining my staff, Lori Mohr was employed in the Commission's Bureau of Consumer Services and worked on this investigation. Please note that she has not advised me in this matter.

September 21, 2023 DATE

KIMBERLY BARROW, Vice Chairperson

[Pa.B. Doc. No. 23-1390. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Mifflin Energy Corp.

Public Meeting held September 21, 2023

Commissioners Present: Stephen M. DeFrank, Chairperson, conflict statement follows, statement follows; Kimberly Barrow, Vice Chairperson, statement follows; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Mifflin Energy Corp.; M-2023-3019782

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settle-

ment, Settlement Agreement, or Petition) filed on June 26, 2023, by the Commission's Bureau of Investigation and Enforcement (I&E) and Mifflin Energy Corp. (Mifflin Energy or the Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties filed Statements in Support of the Settlement. The Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations. Petition at 13.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the Pennsylvania Bulletin and provide an opportunity for interested parties to file comments regarding the proposed Settlement.¹

History of the Proceeding

This matter concerns a natural gas explosion that occurred on April 9, 2020, at 134 Water Dam Road, Waynesburg, Green County, Pennsylvania (Incident).² Petition at 1. The Incident resulted in the destruction of a residence at 134 Water Dam Road and the female homeowner sustained second degree burns. Pipeline Safety

¹As discussed, infra, because of the nature of the incident as described in the Settlement, it is appropriate to publish the Settlement in the Pennsylvania Bulletin.

²Since I&E's investigation into the Incident was initiated nearly three years ago, Mifflin Energy's operating assets have been sold to a new owner, Mifflin Energy Resources, LLC, which has no affiliation to Mifflin Energy or relationship to Mifflin Energy's owners despite the similar name. Mifflin Energy continues to exist and owns royalty interests in wells other than the ones it previously owned, but no longer owns or operates what was determined by I&E at the time of the Incident to be facilities subject to the Commission's jurisdiction ("jurisdictional facilities"). Consequently, it is Mifflin Energy's position that due to this change in circumstances, even if the Act 127 pipeline operator rules and regulations applied at the time of the Incident, Mifflin Energy is no longer subject to those rules and regulations. For the purpose of reaching an amicable settlement in this matter, I&E does not challenge Mifflin Energy's position that neither Mifflin Energy nor its facilities are currently subject to the Commission's jurisdiction given this change in circumstances. The jurisdictional status of Mifflin Energy Resources, LLC is not addressed in this Petition. However, as Mifflin Energy is addressing through this Settlement Agreement the resolution of I&E's concerns regarding the Incident, the facts of the Incident will not be attributable to new owner Mifflin Energy Resources, LLC by I&E. Nevertheless, the new owner will be responsible to identify, register and operate jurisdictional assets, if any, in accordance with applicable state and federal regulations.

Inspectors from I&E's Safety Division responded to the scene on the day of the Incident and initiated an investigation. Petition at 7.

Thereafter, the Parties entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231(a). Petition at 10. As previously indicated, the Parties filed the instant Settlement on June 26, 2023.

Background

Mifflin Energy owned and operated a gas well (Shoup # 4)³ located on a 210-acre parcel leased to Mifflin Energy including properties at 134 Water Dam Road and 169 Water Dam Road. Prior to, and at the time of the Incident, gas from the well was available to both previously designated properties. Petition at 5. The residence at 134 Water Dam Road was constructed prior to 2005 when Mifflin Energy acquired the production and gathering facilities in the surrounding area, according to Mifflin Energy. Id. It is unknown whether the owners of the property at 134 Water Dam Road were aware of the fact that the home was close in proximity to the service line that conveyed gas from Mifflin Energy's production facilities to 169 Water Dam Road. Id.

At the well head, Shoup # 4 operates at 400 pounds per square inch gauge (psig). A Mifflin Energy pressure regulator reduces the pressure to 9 psig before it enters a 2-inch production line. The I&E Safety Division's investigation described the relevant facilities as a tap, located on 134 Water Dam Road, with a "T" and two shut-off valves, one on each side of the tap. One side of the tap serves 134 Water Dam Road and the other side has a consumer-owned pipe running to 169 Water Dam Road. Petition at 5-6.

The meter and regulator for the service line to 134 Water Dam Road are immediately adjacent to the tap and the meter and regulator for the consumer-owned service line to 169 Water Dam Road were also immediately adjacent to the tap prior to March 2020. However, less than one month prior to the Incident, the meter and regulator for 169 Water Dam Road were relocated by the homeowners further downstream. Petition at 6.

The owner of 169 Water Dam Road contacted a Mifflin Energy representative, on or about March 28, 2020, requesting permission to relocate the meter and pressure regulator closer to the residence at 169 Water Dam Road. Mifflin Energy granted the homeowner's request. Mifflin Energy did not require a pressure test of the service line serving 169 Water Dam Road and Mifflin Energy does not have a written record of the work performed related to the relocation of the meter and regulator. The suspected cause of the Incident was a gas leak occurring on the service line to 169 Water Dam Road between the Mifflin Energy tap and the relocated meter and regulator. Petition at 6-7.

Prior to the Incident, Mifflin Energy's pipeline facilities were not registered with the Commission or the Pipeline and Hazardous Materials Safety Administration (PHMSA). I&E's Safety Division became aware of Mifflin Energy's pipeline facilities during its investigation of the Incident. Petition at 6.

I&E's Safety Division's findings indicate that the suspected cause of the Incident was a leak on the service

line, which delivered natural gas to the home at 169 Water Dam Road, connected to piping that Mifflin Energy considers to be a production line where gas was supplied from a Company well. The gas leak led to an explosion that destroyed a neighboring residence at 134 Water Dam Road and injured the female homeowner resulting in second degree burns. Petition at 7.

I&E's Safety Division discovered that Mifflin Energy, pursuant to the requirements of the lease, made available to lease holders in Greene County natural gas supplied by its wells. Further, it was found that Mifflin Energy did not odorize its gas, did not hold an Operator Identification Number from PHMSA and was not registered with the Commission. Petition at 7.

I&E Safety Division's investigation found that relocation of the meter to 169 Water Dam Road affected treatment of the service line rendering it to be a jurisdictional "service line" subject to pipeline safety regulations.⁴ Petition at 8. As part of its Investigation, I&E contacted PHMSA to obtain an interpretation on whether any of the facilities involved in the Incident constituted a PUC "jurisdictional" service line. Petition at 8; Attachment 1. PHMSA, in a letter response, determined that Mifflin Energy was a PUC jurisdictional pipeline operator as it was engaged in the transportation of gas and that the terms of the private lease agreement between Mifflin Energy and the residents of 169 Water Dam Road did not eliminate Mifflin Energy's responsibility as a pipeline operator for pipeline safety. Petition at 8. Further, PHMSA determined that, based on the facts and circumstances presented by I&E, the jurisdictional service line began at the shut-off valve and ended at the outlet of the meter serving 169 Water Dam Road.

I&E's position is that the segment of pipeline that experienced the failure was a jurisdictional service line and Mifflin Energy was responsible for the operation and maintenance of the service line up to the outlet of the customer's meter at the meter's new location pursuant to 58 P.S. § 801.302. Petition at 8; Attachment 2.

Mifflin Energy was unaware of I&E's submission to PHMSA for interpretation on whether any of the facilities involved in the Incident constituted a PUC "jurisdictional" service line. Shortly after learning of such interpretation, Mifflin Energy submitted a Petition for Declaratory Order to PHMSA. Petition at 8; Attachment 3. Mifflin Energy's Petition sought a PHMSA Order declaring that customer piping is not subject to the safety standards in 49 CFR Part 192 and that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to the terms of a free gas or farm tap agreement is not responsible for ensuring that the customer's piping complies with safety standards in 49 C.F.R. Part 192. Petition at 8-9. Mifflin Energy, in its Petition, also requested PHMSA to rescind its letter of interpretation issued to I&E on September 1, 2021. Petition at 9. In a letter to Mifflin Energy, PHMSA advised that the Petition will be docketed, notice of the Petition will be published in the *Federal Register*, and public comments will be requested. At the end of the comment period, PHMSA will consider the Petition and public comments and then issue a decision. Petition at 9; Attachment 4.

⁴ Federal pipeline safety regulations define a "service line" as: "a distribution line that transports gas from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter." 49 CFR § 192.3.

³ Shoup # 4 is one of four wells formerly owned and operated by Mifflin Energy on the Shoup Lease. The Shoup Lease is a 210-acre natural gas and oil lease in Washington Township, Pennsylvania, which was entered into on May 3, 1982, by Margaret E. Shoup and her family, and Kepeco, Inc. Mifflin Energy purchased the wells on the Shoup Lease in July of 2005. Petition at 5, footnote. 2.

It is I&E's position that moving the meter away from the tap and adjacent to the home at 169 Water Dam Road transformed the nature of the service line to jurisdictional with jurisdiction ending at the outlet of the relocated consumer meter pursuant to 49 CFR § 192.3. Once the meter was relocated, it is I&E's position that Mifflin Energy became responsible for complying with Act 127 and applicable Federal pipeline safety regulations. Petition at 9. Mifflin Energy disagrees with I&E's position. *Id.*

If this matter had been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Mifflin Energy, *inter alia*, committed multiple violations related to Act 127 and the adoption of Federal pipeline safety laws including, but not limited to the following: failure to file an annual report, failure to pay assessment, and various technical duties and responsibilities of jurisdictional pipeline operators. Petition at 9.

Terms and Conditions of the Settlement

The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation and avoids the time and expense of litigation. Both Parties jointly acknowledge that approval of the Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201. Petition at 16.

The Settlement consists of the Joint Petition for Approval of Settlement containing the terms and conditions of the Settlement including four Attachments, Proposed Ordering Paragraphs (Appendix A to the Petition) and the respective Statements in Support of the Settlement of I&E (Appendix B to the Petition) and Mifflin Energy (Appendix C to the Petition), filed on June 26, 2023.

Pages 12-13 of the Settlement Agreement set forth the full Settlement Terms and Conditions.

The essential terms of the Joint Settlement are set forth in Paragraph No. 41 of the Petition, which is recited in full, below, as it appears in the Petition:

41. I&E and Mifflin Energy, intending to be legally bound and for consideration given and received, desire to fully and finally conclude this investigation and agree that a Commission Order approving the Joint Petition without modification shall create the following rights and obligations:

a) Mifflin Energy shall pay a civil penalty in the amount of One Hundred Thousand Dollars (\$100,000) pursuant to 58 P.S. § 801.502 and 52 Pa. Code § 69.1201. Said payment shall be made within thirty (30) days of the Commission's Final Order (not subject to pending appeal or other legal challenge) approving any Settlement Agreement in this matter and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

b) Mifflin Energy agrees that the civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

c) Since Mifflin Energy has sold its operational assets to a new owner that has no affiliation with

Mifflin Energy, the Parties agree that the remedial measures that would otherwise be sought and potentially imposed upon Mifflin Energy, are no longer applicable to Mifflin Energy, as the sale of these assets relinquishes Mifflin Energy from falling within the definition of a pipeline operator and, accordingly, Act 127's pipeline operator requirements are no longer applicable to Mifflin Energy.

d) Upon Commission entry of a Final Order (not subject to pending appeal or other legal challenge) approving the Settlement Agreement in its entirety without modification, I&E acknowledges and confirms that Mifflin Energy is and will be released from all past or future claims that were made or could have been made by I&E and/or the Commission for monetary and/or other relief based on allegations that the Company failed to comply with the requirements of the Code, the Act, and any other state or federal regulations addressing gas pipeline safety.

e) I&E acknowledges and confirms that Mifflin Energy, given its prior sale of its physical assets and its participation in this Settlement Agreement with respect to the Incident, has no prospective obligations as a pipeline operator under state or federal law with respect to any pipeline or related facilities involved in the Incident.

f) I&E and Mifflin Energy jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, and avoids the time and expense of litigation, which entails hearings, travel for I&E and Mifflin Energy's witnesses, and the preparation and filing of briefs, exceptions, replies to exceptions, as well as possible appeals. Attached as Appendix B and Appendix C are Statements in Support submitted by I&E and Mifflin Energy, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

Settlement Agreement at ¶ 41.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to under-

take action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission’s consideration of the settlement or approval of the utility’s action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility’s action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also, *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we believe it is appropriate to provide interested parties an opportunity to file comments on the proposed Settlement. Therefore, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement (including Appendices) and Statements in Support, attached hereto,

in the *Pennsylvania Bulletin*; and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days of the date of publication in the *Pennsylvania Bulletin*; Therefore,

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2023-3019782, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2023-3019782, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of any comments filed in this proceeding, at Docket No. M-2023-3019782, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 21, 2023
ORDER ENTERED: September 21, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement’s :
Investigation of the April 9, 2020 Incident at : Docket No. M-2023-3019782
134 Water Dam Road, Waynesburg, Greene :
County, PA (Mifflin Energy Corp.) :

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC
UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41 and 5.232, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”) and Mifflin Energy Corp. (“Mifflin Energy” or “Company”) (hereinafter referred to collectively as the “Parties” or “Joint Petitioners” or individually as a “Party”) hereby submit this Joint Petition for Approval of Settlement (“Joint Petition” or “Settlement Agreement”) to resolve all issues related to an explosion that occurred on April 9, 2020 at 134 Water Dam Road, Waynesburg, Greene County, Pennsylvania (“Incident”). I&E and Mifflin Energy respectfully request that the Commission approve the Joint Petition, without modification, for the compelling public interest reasons set forth, *infra*. Also attached are Proposed Ordering Paragraphs (Appendix A) and Statements in Support of the Settlement expressing the individual views of I&E (Appendix B) and Mifflin Energy (Appendix C), respectively, of why the Settlement Agreement is in the public interest.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Harrisburg, PA 17120, and Mifflin Energy Corp., a purported pipeline operator at the time of this Incident with a primary mailing address of 26 Lewis Run Road, West Mifflin, Pennsylvania.⁵

⁵ Since I&E’s investigation into the Incident was initiated nearly three years ago, Mifflin Energy’s operating assets have been sold to a new owner, Mifflin Energy Resources, LLC, which has no affiliation to Mifflin Energy or relationship to Mifflin Energy’s owners despite the similar name. Mifflin Energy continues to exist and owns royalty interests in wells other than the ones it previously owned, but no longer owns or operates what was determined by I&E at the time of the Incident to be facilities subject to the Commission’s jurisdiction (“jurisdictional facilities”). Consequently, it is Mifflin Energy’s position that due to this change in circumstances, even if the Act 127 pipeline operator rules and regulations applied at the time of the Incident, Mifflin Energy is no longer subject to those rules and regulations. For the purpose of reaching an amicable settlement in this matter, I&E does not challenge Mifflin Energy’s position that neither Mifflin Energy nor its facilities are currently subject to the Commission’s jurisdiction given this change in circumstances. The PUC jurisdictional status of Mifflin Energy Resources, LLC is not addressed in this Joint Petition. However, as Mifflin Energy is addressing through this Settlement Agreement the resolution of I&E’s concerns regarding the Incident, the facts of the Incident will not be attributable to new owner Mifflin Energy Resources, LLC by I&E. Nevertheless, the new owner will be responsible to identify, register and operate jurisdictional assets, if any, in accordance with applicable state and federal regulations.

2. The PUC is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the bureau within the Commission established to prosecute complaints against public utilities and other PUC jurisdictional entities. See Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E); See also 66 Pa.C.S. § 308.2(a)(11).

4. Pursuant to Section 59.33(b) of the Commission’s regulations, 52 Pa. Code § 59.33(b), I&E’s Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101–60503 and as implemented at 49 CFR Parts 191–193, 195 and 199, and to apply the federal civil penalty. The federal pipeline safety laws and regulations proscribe the minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth.

5. Mifflin Energy, a gas production company with three employees that owned 36 gas wells and operated 6 additional wells with associated production and gathering lines, was deemed by I&E at the time of the Incident to be a “pipeline operator” as that term is defined under Act 127, 58 P.S. § 801.102, based on I&E’s view that Mifflin Energy owned or operated “equipment or facilities in [the Commonwealth of Pennsylvania] for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under Federal pipeline safety laws.” As of the date of the Incident, Mifflin Energy was not registered with the Commission as a pipeline operator.

6. Act 127, 58 P.S. § 801.102, defines “pipeline facility” as “a new or existing pipeline. . . facility or building used in the transportation of gas or hazardous liquids. . .”

7. Act 127, 58 P.S. § 801.102, defines “gas” as “natural gas, liquefied natural gas. . . and other gas as defined under the Federal pipeline safety laws.”

8. Act 127, 58 P.S. § 801.102, defines “transportation of gas” as “the gathering, transmission or distribution of gas by pipeline or the storage of gas.”

9. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

10. Section 502(a) of Act 127, 58 P.S. § 801.502(a), authorizes the Commission to impose civil penalties on pipeline operators who violate the Act. Under Section 502(a), pipeline operators can be subject to a civil penalty provided under Federal pipeline safety laws or Section 3301(c) of the Code, 66 Pa.C.S. § 3301(c), whichever is greater.

11. Section 3301(c) of the Code, 66 Pa.C.S. § 3301(c), authorizes the Commission to impose civil penalties on any person or corporation, defined as a public utility, who violates any provisions of the Code or any regulation or order issued thereunder governing the safety of pipeline or conduit facilities in the transportation of natural gas, flammable gas, or gas which is toxic or corrosive. Section 3301(c) further provides that a civil penalty of up to Two Hundred Thousand Dollars (\$200,000.00) per violation for each day that the violation persists may be imposed, except that for any related series of violations, the maximum civil penalty shall not exceed Two Million

Dollars (\$2,000,000.00) or the penalty amount provided under Federal pipeline safety laws, whichever is greater.

12. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub.L. 114-74, § 701, 129 Stat. 599, 28 U.S.C. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The most recent adjustment made by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”) relevant to the Incident occurred on July 31, 2019, which revised the maximum civil penalty to Two Hundred and Eighteen Thousand, Six Hundred and Forty-Seven Dollars (\$218,647.00) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Eighty-Six Thousand, Four-Hundred and Sixty-Five Dollars (\$2,186,465.00) for a related series of violations. 84 Fed. Reg. 37071 (July 31, 2019).

13. Mifflin Energy, an alleged pipeline operator, would, in I&E’s view, be subject to the jurisdiction of this Commission pursuant to Section 501(b) of Act 127, 58 P.S. § 801.501(b), which requires pipeline operators to comply with the Act and the terms and conditions of the orders issued under the Act.

14. It is I&E’s position that pursuant to the provisions of the applicable Commonwealth and Federal statutes and regulations, the Commission has jurisdiction over the subject matter of this investigation and the actions of the Company related thereto.

II. Background

15. Mifflin Energy owned and operated a gas well, Shoup # 4,⁶ which is located on a 210 acre parcel leased to Mifflin Energy that includes the properties at 134 Water Dam Road and 169 Water Dam Road. Prior to and at the time of the Incident, gas from this well was made available to 134 Water Dam Road, the site of the explosion, and 169 Water Dam Road, a neighboring property. According to Mifflin Energy, the home at 134 Water Dam Road was constructed by its owner prior to 2005 when Mifflin Energy acquired its production and gathering facilities in the vicinity. It is not known if the owners of the home built at 134 Water Dam Road were aware they were constructing their home close to the service line that conveyed gas from Mifflin Energy’s production facilities to the property at 169 Water Dam Road.

16. Shoup # 4 operates at 400 pounds per square inch gauge (“psig”) at the well head. A pressure regulator reduces the pressure to 9 psig prior to entering a 2-inch production line, which was also owned and operated by Mifflin Energy. The I&E Safety Division’s investigation following the Incident described the relevant facilities as follows: The 2-inch production line runs in a northerly direction for approximately 300 feet from Shoup # 4, where there is a tap located on the property of 134 Water Dam Road. At the tap, there is a “T” and two shut-off valves, one on each side of the tap. On one side of the tap, there is a service line serving 134 Water Dam Road. On the other side of the tap, there is a consumer-owned pipe running to 169 Water Dam Road. The consumer-owned piping to 169 Water Dam Road originates on the property

⁶ Shoup # 4 is one of four wells formerly owned and operated by Mifflin Energy on the Shoup Lease. The Shoup Lease is a 210-acre natural gas and oil lease in Washington Township, Pennsylvania, which was entered into on May 3, 1982 by Margaret E. Shoup and her family, and Kepco, Inc. Mifflin Energy purchased the wells on the Shoup Lease in July of 2005.

of 134 Water Dam Road, crosses a public township road, and terminates on the property of 169 Water Dam Road.

17. The meter and regulator for the service line to 134 Water Dam Road are immediately adjacent to the tap, and approximately 1,000 feet away from the former residential structure at 134 Water Dam Road. The consumer-owned service line to the former residential structure at 134 Water Dam Road is plastic.

18. The meter and regulator for the consumer-owned service line to 169 Water Dam Road were also immediately adjacent to the tap prior to March 2020. However, less than one month prior to the Incident, the owners of 169 Water Dam Road relocated the meter and regulator further downstream.

19. On or about March 28, 2020, the owner of 169 Water Dam Road contacted a Mifflin Energy representative seeking permission to relocate Mifflin Energy's meter, as well as their own pressure regulator, closer to the residence at 169 Water Dam Road. The Mifflin Energy representative granted the homeowner's request to move the Mifflin Energy meter. Prior to the consumer-owner relocating its pressure regulator and the Mifflin Energy meter, Mifflin Energy did not require a pressure test of the service line serving 169 Water Dam Road. Moreover, there is no written record of the work performed related to the relocation of the meter and regulator. The gas leak occurred on the 1-inch bare steel service line to 169 Water Dam Road between the Mifflin Energy tap and the relocated meter serving 169 Water Dam Road.

20. The I&E Safety Division became aware of Mifflin Energy's pipeline facilities in Greene County, Pennsylvania during its investigation of the Incident. Prior to the Incident, the I&E Safety Division was not aware of Mifflin Energy's pipeline facilities since the Company was not registered with the PUC or PHMSA as a pipeline operator.

21. In addition to local emergency personnel, Pipeline Safety Inspectors from I&E's Safety Division responded to the scene on the day of the Incident and initiated an investigation. The following background consists of a summary of I&E's Safety Division's findings from that investigation. The suspected cause of the Incident was a leak on the service line connected to piping that Mifflin Energy considers to be a production line where gas was supplied from a Company well. The service line delivered natural gas to the home at 169 Water Dam Road. An explosion destroyed a neighboring residence at 134 Water Dam Road where the female homeowner suffered second degree burns.

22. The I&E Safety Division's investigation of the Incident discovered that Mifflin Energy made available to lease holders in Greene County natural gas supplied by its wells pursuant to the requirements of the lease.

23. Mifflin Energy did not odorize its gas, did not hold an Operator Identification Number ("OPID") from PHMSA and was not registered as a pipeline operator with the Commission.

24. The I&E Safety Division's investigation found that the relocation of the meter to 169 Water Dam Road affected the treatment of the service line to 169 Water Dam Road, rendering it to be a jurisdictional "service line" that is subject to pipeline safety regulation. Federal pipeline safety regulations define a "service line" as:

a distribution line that transports gas from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial

customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter.

49 CFR § 192.3.

25. On January 29, 2021, as part of its ongoing investigation, I&E sought an interpretation from the federal Pipeline and Hazardous Materials Safety Administration ("PHMSA") on whether any of the facilities involved in the Incident constituted a PUC "jurisdictional" service line. See Attachment 1. Mifflin Energy was not made aware of I&E's submission.

26. In its response dated September 1, 2021, PHMSA determined, based on the facts and circumstances as presented by I&E, the jurisdictional service line began at the shut-off valve and ended at the outlet of the meter serving 169 Water Dam Road. Thus, in I&E's view, the segment of pipeline that experienced the failure during the Incident was a jurisdictional service line and Mifflin Energy was responsible for the operation and maintenance of the service line up to the outlet of the customer's meter at the meter's new location.⁷ See Attachment 2.

27. Moreover, PHMSA further concluded, based on the facts and circumstances as presented by I&E, that Mifflin Energy was a PUC jurisdictional pipeline operator since it was engaged in the transportation of gas. PHMSA determined that the terms of a private lease agreement between Mifflin Energy and the residents of 169 Water Dam Road did not impact the responsibility of a pipeline operator for pipeline safety.

28. On March 20, 2023, shortly after first learning of the September 1, 2021 interpretation, Mifflin Energy submitted a Petition for Declaratory Order to PHMSA ("Petition"). See Attachment 3 (sans attachments).

29. In the Petition, Mifflin Energy asked PHMSA to issue an order declaring that customer piping is not subject to the safety standards in 49 CFR Part 192, and that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to the terms of a free gas or farm tap agreement is not responsible for ensuring that the customer's piping complies with the safety standards in Part 192.

30. In the Petition, Mifflin Energy also asked PHMSA to rescind its September 1, 2021, letter of interpretation, which in Mifflin Energy's view contravened longstanding and well-established precedent by suggesting that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to a free gas or farm tap agreement is responsible for ensuring that the customer's piping complies with Part 192.

31. In correspondence addressed to Mifflin Energy counsel Keith J. Coyle, PHMSA advised that the Petition will be docketed, notice of the Petition will be published in the *Federal Register*, and public comments will be requested. At the conclusion of the comment period, PHMSA will consider the petition and public comments, and issue a decision. See Attachment 4.

III. *Alleged Violations*

32. It is I&E's position that moving the meter to a location away from the tap and adjacent to the residence

⁷ Act 127 adopts the Federal pipeline safety regulations for pipeline operators in Pennsylvania. 58 P.S. § 801.302.

at 169 Water Dam Road transformed the service line into a jurisdictional service line, with jurisdiction ending at the outlet of the relocated consumer meter pursuant to 49 CFR § 192.3. Upon that meter relocation, it is I&E's position that Mifflin Energy became responsible for complying with Act 127 and applicable Federal pipeline safety regulations.

33. Mifflin Energy does not agree with I&E's position.

34. Had this matter been litigated, I&E would have proffered evidence and presented legal arguments to demonstrate that Mifflin Energy, inter alia, committed multiple violations related to Act 127 and the adoption of Federal pipeline safety laws including, but not limited to, failure to file an annual report, failure to pay assessment, and various technical duties and responsibilities of jurisdictional pipeline operators. However, based on the unique facts of this case and the means by which the facilities became jurisdictional, the short timeframe for which Mifflin Energy was deemed jurisdictional prior to the Incident and given the change in circumstances as set forth in footnote 1, supra, that prospectively remove Mifflin Energy from the jurisdiction of the Commission under the Act, and in an effort to amicably resolve this matter, the Parties agree, as part of this Settlement Agreement, that alleged violations and related remedial measures that would have otherwise been sought by I&E for compliance with the Act and related Federal pipeline safety laws, will not be the basis for formal enforcement action against Mifflin Energy.

IV. Terms Of Settlement

35. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest as set forth at 52 Pa. Code § 5.231(a), the Parties held a series of discussions that culminated in this Settlement Agreement. I&E and Mifflin Energy desire to: (i) terminate I&E's informal investigation of the Incident; and (ii) settle this matter completely without litigation and to eliminate any prospective liability. The Parties recognize that this is a disputed claim and given the inherent unpredictability of the outcome of a contested PUC proceeding, the Parties further recognize the significant and more immediate benefits of amicably resolving the disputed issues through settlement as opposed to time-consuming and expensive litigation.

36. This matter is worthy of resolution and the facts specific to this case justify reaching an amicable settlement founded on the terms and conditions set forth herein while still accommodating the need to be in the public interest.

37. Here, jurisdiction of Mifflin Energy's facilities only became an issue upon relocation of the meter at 169 Water Dam Road less than one month before the Incident, as described supra. By passively agreeing to the request by the owner of the 169 Water Dam Road residence to relocate its gas meter, it is I&E's position that Mifflin Energy unwittingly became responsible for compliance with all the requirements of Act 127. Mifflin Energy does not agree with I&E's position that Mifflin Energy became subject to Act 127 compliance as a result of the owner of the 169 Water Dam Road residence relocating its regulator and Mifflin Energy's gas meter from one point on the pipeline they own to another point on that pipeline. But for the Incident, I&E would likely not have been made aware of Mifflin Energy or the issues I&E claims to exist under Act 127.

38. Had this matter been litigated, Mifflin Energy was prepared to proffer evidence and legal argument to

dispute I&E's claim that Mifflin Energy was subject to PUC jurisdiction under the Act.

39. Given that Mifflin Energy no longer owns or operates the facilities related to the Incident, the jurisdictional issue and application of Act 127 to these facilities no longer apply to Mifflin Energy prospectively. This fact severely limits the value of pursuing litigation against Mifflin Energy. However, it is I&E's view that this change in circumstances does not completely exonerate Mifflin Energy from the violations it alleges Mifflin Energy committed. Mifflin Energy continues to assert that no violations have occurred and that Act 127 does not apply to the pipeline in question. As a result, the Parties have determined that it is in their respective best interest and in the public interest to settle this matter, and they have reached an amicable agreement as to an appropriate civil penalty amount that adequately balances all the relevant interests under the unique circumstances of this case. The unique circumstances here, including the subsequent change of control of Mifflin Energy's pipeline assets, the fact that Mifflin Energy is no longer a jurisdictional pipeline operator, and Mifflin Energy's agreement to pay a fair civil penalty, all warrant consideration of a prompt resolution so as to not unnecessarily further expend either Mifflin Energy's or I&E's resources, and allow the Commission to direct its regulatory jurisdiction and attention to other matters. Moreover, the overarching question regarding the jurisdictional status of "farm tap" facilities has not been disregarded by this Settlement Agreement as the matter has been placed squarely before PHMSA for review.

40. The terms and conditions of the Settlement Agreement for which the Parties seek Commission approval are set forth below.

41. I&E and Mifflin Energy, intending to be legally bound and for consideration given and received, desire to fully and finally conclude this investigation and agree that a Commission Order approving the Joint Petition without modification shall create the following rights and obligations:

a. Mifflin Energy shall pay a civil penalty in the amount of One Hundred Thousand Dollars (\$100,000) pursuant to 58 P.S. § 801.502 and 52 Pa. Code § 69.1201. Said payment shall be made within thirty (30) days of the Commission's Final Order (not subject to pending appeal or other legal challenge) approving any Settlement Agreement in this matter and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

b. Mifflin Energy agrees that the civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

c. Since Mifflin Energy has sold its operational assets to a new owner that has no affiliation with Mifflin Energy, the Parties agree that the remedial measures that would otherwise be sought and potentially imposed upon Mifflin Energy, are no longer applicable to Mifflin Energy, as the sale of these assets relinquishes Mifflin Energy from falling within the definition of a pipeline operator and, accordingly, Act 127's pipeline operator requirements are no longer applicable to Mifflin Energy.

d. Upon Commission entry of a Final Order (not subject to pending appeal or other legal challenge) approving the Settlement Agreement in its entirety without modification, I&E acknowledges and confirms that Mifflin Energy is and will be released from all past or future claims that were made or could have been made by I&E and/or the Commission for monetary and/or other relief based on allegations that the Company failed to comply with the requirements of the Code, the Act, and any other state or federal regulations addressing gas pipeline safety.

e. I&E acknowledges and confirms that Mifflin Energy, given its prior sale of its physical assets and its participation in this Settlement Agreement with respect to the Incident, has no prospective obligations as a pipeline operator under state or federal law with respect to any pipeline or related facilities involved in the Incident.

f. I&E and Mifflin Energy jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, and avoids the time and expense of litigation, which entails hearings, travel for I&E and Mifflin Energy's witnesses, and the preparation and filing of briefs, exceptions, replies to exceptions, as well as possible appeals. Attached as Appendix B and Appendix C are Statements in Support submitted by I&E and Mifflin Energy, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

V. Conditions Of Settlement

42. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

43. This Joint Petition may be signed in counterparts and all signatures attached hereto will be considered as originals.

44. In order to effectuate this Joint Petition, the undersigned Parties request that the Commission issue a Final Order approving the Joint Petition without modification.

45. The Settlement Agreement is conditioned upon the entry by the Commission of a Final Order (not subject to pending appeal or other legal challenge) approving the terms and conditions contained in this Joint Petition without modification. If the Commission modifies this Joint Petition in any manner, any Party may elect to withdraw from the Settlement Agreement and may proceed with litigation or take such other action and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon the other Party within twenty (20) days after entry of a Final Order (not subject to pending appeal or other legal challenge) modifying the Joint Petition.

46. The consequence of any Party withdrawing from this Joint Petition as set forth above is that all issues associated with and defenses to the requested relief presented in the proceeding may be fully litigated by the Parties unless otherwise stipulated between the parties, and all obligations of the Parties to each other set forth herein are terminated and of no further force and effect.

47. The Parties agree that the underlying allegations and responses thereto were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this proceeding. It is further understood that, by entering into this Settlement Agreement, Mifflin Energy has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in any other proceeding. Nor may this Settlement Agreement be used by any other person or entity as a concession or admission of fact or law.

48. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any Party's position with respect to any issues raised in this proceeding.

49. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve I&E's informal investigation of the Incident in a manner that is fair and reasonable. This Settlement Agreement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in any other proceedings, except to the extent necessary to effectuate or enforce the terms and conditions of this Settlement Agreement. This Settlement Agreement does not preclude the Parties from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reasserted in any other proceeding or forum except for the limited purpose of enforcing the Settlement Agreement by a Party.

50. I&E agrees to close all investigations and potential enforcement actions related to the Incident, and not initiate any new investigation and/or enforcement actions against Mifflin Energy or Mifflin Energy Resources, LLC based on the facts of the Incident. The Settlement Agreement and approval by the Commission in a Final Order (not subject to pending appeal or other legal challenge) shall be a full and complete bar to any future administrative or civil enforcement proceedings by I&E in connection with the Incident. Further, I&E will not cause any third party to pursue any further investigations or enforcement actions against Mifflin Energy in connection with the Incident.

51. Mifflin Energy does not admit to any violations of state or federal law with respect to the Incident.

52. In the event the Commission does not approve the Joint Petition without modifications or conditions in a Final Order (not subject to pending appeal or other legal challenge), Mifflin Energy may raise affirmative defenses in any formal proceeding brought by I&E in connection with the Incident, including but not limited to, defenses based on state or federal statutes of limitation.

53. I&E and Mifflin Energy shall make good faith efforts to obtain approval of the Joint Petition by the Commission by, among other things, submitting Statements in Support of the Joint Petition. Both Parties' Statements in Support of the Joint Petition shall support all of the terms and conditions of the Settlement Agreement specified herein including, without limitation, the position that the agreed-to civil penalty to be paid by Mifflin Energy is adequate and consistent with the Commission's Policy Statement on settlement of investigations and the Rosi Standards for civil penalties.

54. I&E acknowledges and confirms that Mifflin Energy, given its sale of physical assets, including assets that could be deemed jurisdictional to the Commission,

and given the Settlement Agreement, has no prospective obligations as a pipeline operator under state or federal law with respect to any pipeline or related facilities involved in the Incident. I&E and Mifflin Energy jointly acknowledge that approval of this Settlement Agreement by the Commission is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by approving this Joint Petition for Approval of Settlement.

55. Since the Parties agree to the terms of the Joint Petition, adopting it will eliminate the possibility of any appeal by the Parties from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

56. This Settlement consists of the entire agreement between I&E and Mifflin Energy regarding the matters addressed herein. Moreover, this Settlement Agreement represents a complete settlement of I&E's informal investigation against Mifflin Energy's alleged violations of state and federal regulations, as discussed, supra.

57. The Parties expressly acknowledge that this Settlement Agreement represents a compromise of positions and does not in any way constitute a finding or an admission of liability. This Settlement shall be construed and interpreted under Pennsylvania law.

58. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Mifflin Energy Corp. respectfully request that the Commission approve the terms of the Joint Petition for Approval of Settlement without modification and in their entirety as being in the public interest.

Respectfully submitted and filed by:

Date: June 26, 2023

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319
Pennsylvania Public Utility
Commission
Bureau of Investigation and Enforcement
400 North Street
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Date: June 26, 2023

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Counsel for Mifflin Energy
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Attachment 1

January 29, 2021

Via Electronic Mail
Mr. John A. Gale
Director Office of Standards and Rulemaking
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590
John.Gale@dot.gov

Request for Written Regulatory Interpretation; 49 CFR § 192.3 Related to Definition of "Service Line"

Dear Mr. Gale:

This letter represents a request from the Safety Division of the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") for an interpretation of the Pipeline and Hazardous Materials Safety Administration ("PHMSA") regulations at 49 CFR § 192.3 (related to the definition of a "service line") and its applicability to a pipeline configuration where an April 9, 2020 natural gas explosion occurred. The suspected cause of the explosion originated from a leak on a consumer-owned line connected to an unregulated well pad production pipeline. The leak was upstream of the outlet of the meter. I&E seeks to determine whether the portion of consumer-owned line that experienced the leak was subject to the definition of "service line" set forth in 49 CFR § 192.3 at the time of the incident and whether the producer was responsible for this portion of the line.

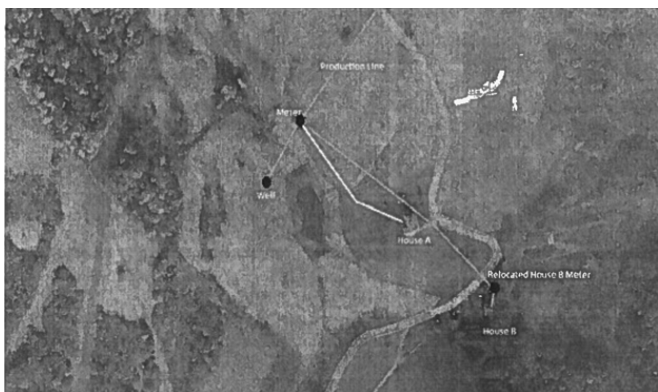
The I&E Safety Division participates in PHMSA's State Pipeline Safety Program. Through its agreement with PHMSA and participation in the Program, the I&E Safety Division has assumed the safety responsibilities of intrastate pipeline facilities in Pennsylvania over which it maintains jurisdiction as authorized by state law.

Pursuant to Pennsylvania's Gas and Hazardous Liquids Pipelines Act, 58 P.S. § 801.101 et seq. ("Act 127"), the Commission has authority to regulate and supervise pipeline operators within Pennsylvania consistent with Federal pipeline safety laws. 58 P.S. § 801.50 I(a). Pipeline operators are defined as "a person that owns or operates equipment or facilities in this Commonwealth for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under Federal pipeline safety laws." 58 P.S. § 801.102 (emphasis added). Pipeline operators are required to register with the Commission by March 31 of each year and report gathering, transmission and distribution pipeline mileage in class I, 2, 3 and 4 locations for the preceding calendar year. See 58 P.S. §§ 801.301(c)(I) and Act 127 of 2011—The Gas and Hazardous Liquids Pipeline Act; Assessment of Pipeline Operators, Docket No. M-2012-228203 I (Final Implementation Order entered February 17, 2012).

The I&E Safety Division is investigating a natural gas explosion that occurred on April 9, 2020 in Washington Township, Greene County, Pennsylvania on a line that I&E views to be a farm tap. The explosion demolished a residence, referenced herein as "House A." A gas well is located on the property of House A. This gas well feeds a non-jurisdictional production pipeline that is the source of natural gas provided to House A and a neighboring property, referred to as "House B." A leak on the consumer-owned line to House B is suspected to be the cause of the explosion that demolished House A.

For the consumer-owned lines that take natural gas to House A and House B, there is one tap off of the production line. The tap is located on the property of House A. At the tap, there is a T and a shut-off valve on each side of the tap. The meter and regulator for the line to House A are immediately adjacent to the tap. Prior to the end of March 2020, the meter and regulator for the line to House B had also been immediately adjacent to the tap. However, less than one month prior to the explosion, the owners of House B relocated the meter and regulator to the property of House B and closer to their residential structure.

At the tapping point, the line is split to serve House A and House B. The line to House B originates on House A's property, crosses a public township road and then ends on House B's property. A map depicting the configuration of the pipeline facilities at the incident site follows.



Prior to the end of March 2020, the pressure in the production line upstream of both regulators for House A and House B was 10 pounds per square inch, gauge (“PSIG”) and the pressure in the lines downstream of both regulators was approximately 4–6 ounces. Subsequent to the relocation of the meter and regulator for House B, the pressure in the line upstream of the relocated House B regulator (downstream from the original regulator location) increased from 4–6 ounces to 10 PSIG. The leak occurred on the line to House B between the split and relocated meter and regulator.

The producer maintains a lease agreement with House A, which provides that the producer’s responsibilities end at the production line tap valve, and that House A is responsible for making its own connections at a point designated by the producer in addition to installing and maintaining a regulator. The lease agreement further provides that the producer is responsible for installing and maintaining a meter. These provisions of the lease agreement were extended to the owners of House B upon a conveyance of a portion of the original House A property. When House B relocated the meter and regulator at the end of March 2020, House B notified the producer of its intentions to move the meter and regulator, and received permission from the producer to move the producer’s meter.

But for the lease agreement, House A and House B likely would not be served with natural gas. I&E estimates that between 5,000 and 7,000 farm taps exist in Pennsylvania, where individual consumer lines are directly connected to unregulated production pipelines and such consumers are served with natural gas via lease agreements, similar to the instant arrangement.

The producer is not registered with the Commission as an Act I 27 pipeline operator and, therefore, the afore-

mentioned pipelines were not reported as jurisdictional assets in Pennsylvania. Additionally, the producer does not have a PHMSA Operator ID as it does not define itself as an “operator” pursuant to 49 CFR § 192.3.

I&E notes that the definition of “service line” provides, in pertinent part, that it “ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter.” 49 CFR § 192.3. PHMSA recently elaborated on the definition of service line as it relates to farm tap applications. See Pipeline Safety: Gas Pipeline Regulatory Reform, 86 Fed. Reg. 2210 at 2212-14 (January 11, 2021). Providing gas to farm tap customers is not defined as a gathering or production function and may include a regulated service line. Id. at 2214. Furthermore, a farm tap facility may meet the definition of a “service line” even if the source of the pipeline is not regulated by PHMSA. Id. at 2212. Moreover, it is not necessary, under certain configurations, for the operator to be responsible for maintaining the piping in order for a facility to be deemed a service line. Id. at 2214.

I&E also notes that PHMSA provided guidance on the applicability of certain farm taps required by Kentucky state law to PHMSA’s regulation at 49 CFR § 192.740. See PHMSA letter dated November 5, 2018 and addressed to the Chairman of the Kentucky Public Service Commission.⁸ In the letter, PHMSA stated that farm taps meet the definition of service lines, and the piping and appurtenances that comprise a farm tap that are owned or maintained by an entity engaged in the transportation of gas are subject to the requirements of Parts 191 and 192 as a distribution service line. Letter at 1. PHMSA reiterated that a service line ends at the connection to customer-owned piping or at the outlet of the meter, whichever is further downstream. Id.

Regarding the incident that is the subject of I&E’s investigation, the leak that precipitated the explosion occurred on a portion of the pipe that was owned and maintained by the customer, but upstream of the meter. The meter, as mentioned above, was relocated by the owners of House B with the permission of the producer less than one month prior to the incident.

I&E’s questions to PHMSA are as follows:

(1) Is the House B line from the split at the tap to the outlet of the relocated House B meter a service line pursuant to 192 CFR § 192.3?

(2) Does the lease agreement, which provides that the operator is responsible for the meter and House B is responsible for the regulator and all other piping from the production line tap valve, impact the determination of whether the line is a service line?

(3) Given the above-described configuration, is the producer an “operator” as defined in 192 CFR § 192.3?

Thank you for your consideration in this matter. Should you have any questions or seek further clarification or details with respect to this request, please do not hesitate to contact the undersigned.

Sincerely,
Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522
Bureau of Investigation and Enforcement
(717) 772-8839
stwimer@pa.gov

⁸ A link to the letter follows: [kentucky-pse-pi-18-0019-11-05-2018-part-192740.pdf](https://www.kentucky-pse-pi-18-0019-11-05-2018-part-192740.pdf) (dot.gov)

Attachment 2

September 1, 2021

Ms. Stephanie M. Wimer
Senior Prosecutor
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Dear Ms. Wimer:

In a January 29, 2021, letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), you requested an interpretation of 49 CFR Part 192. Specifically, you requested an interpretation of the definitions of “service line” and “operator” under § 192.3.

You provided the following background. The Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement (“I&E”) is investigating an April 9, 2020, natural gas explosion. The suspected cause of the explosion is a leak on a consumer-owned line connected to an unregulated well pad production pipeline. The leak was upstream of the outlet of the meter. I&E seeks to determine whether the portion of consumer-owned line that experienced the leak met the definition of “service line” set forth in § 192.3 at the time of the incident and whether the producer was the operator of this portion of the line. You provided the following additional information.

A gas well is located on the property of House A and the well supplies gas to House A and to a neighboring property House 8. There is one tap off of the production line for the consumer-owned lines that take natural gas to House A and House B. The tap is located on the property of House A and there is a T (tee) and a shut-off valve on each side of the tap. The meter and regulator for the line to House A are immediately adjacent to the tap. Prior to the end of March 2020, the meter and regulator for the line to House 8 have also been immediately adjacent to the tap; however, less than one month prior to the explosion, the owners of House B relocated the meter and the regulator to the property of House B and closer to their residential structure. At the tapping point, the line is split to serve House A and House 8. The line to House B originates on House A’s property, crosses a public township road and then ends on House B’s property. Prior to the end of March 2020, the pressure in the production line upstream of both regulators for House A and House B was 10 pounds per square inch gauge (psig) and the pressure in the lines downstream of both regulators was approximately 4–6 ounces (1/4 to 3/8 psig). Subsequent to the relocation of the meter and regulator for House B, the pressure in the line upstream of the relocated House 8 regulator (downstream from the original regulator location) increased from 4–6 ounces to 10 psig and the suspect leak on the consumer-owned line to House B is to be the cause of the explosion that demolished House A. The leak occurred on the line to House B between the split and relocated meter and regulator.

The producer maintains a lease agreement with House A, which provides that the producer’s responsibilities end for installing and maintaining a meter and at the production line tap valve, and that House A is responsible for making its own connections at a point designated by the producer in addition to installing and maintaining a regulator. The lease agreement was extended to the owners of House B and when House B relocated the meter and regulator

at the end of March 2020, House B notified the producer of its intentions to move the meter and regulator, and received permission from the producer to move the producer’s meter.

The producer is not registered with the Commission as an Act 127 pipeline operator and, therefore, the aforementioned pipelines were not reported as jurisdictional assets in Pennsylvania. Additionally, the producer does not have a PHMSA Operator ID as it does not define itself as an “operator” pursuant to 49 CFR § 192.3.

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 1960–199) in the form of interpretation letters. These letters reflect the agency’s current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

On March 8, 2021, PHMSA asked Pennsylvania PUC to respond to several questions and Pennsylvania PUC responded on March 11, 2021.

With your original request, you provided a map depicting the configuration of the pipeline facilities at the incident site. In addition, you mentioned PHMSA provided guidance on the applicability of certain fann taps required by Kentucky state law to PHMSA’s regulation at § 192.740 and provided a link to the guidance.

Your questions and PHMSA’s responses are as follows:

Question 1: Is the House B line from the split at the tap to the outlet of the relocated House B meter a service line pursuant to 49 CFR § 192.3?

Response to question 1:

Under 49 CFR § 192.3, a service line is any distribution line that transports gas from a common source of supply to an individual customer through a meter header or manifold. Under certain circumstances; a service line may also be referred to as a “farm tap,” which is the common name for a pipeline directly connected to a gas transmission, production, or gathering pipeline that provides gas to a customer.

On a farm tap, the “source” piping ends and the service line begins at the first accessible point where the downstream service line can be isolated from source piping (e.g., the inlet to a valve or regulator). In this case, this point appears to be the shut-off valve downstream of the tap. PHMSA notes that additional safety regulations govern service-line valves, including the location of valves pursuant to § 192.365, and operators must comply with applicable recordkeeping requirements in Part 192.

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 1960–199) in the form of interpretation letters. These letters reflect the agency’s current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

Under the definition of service line, § 192.3, the service line ends at the outlet of the customer meter or at the connection to a customer’s pipeline, whichever is further downstream, or at the connection to customer piping if there is no meter. Here, the House B line transports gas from the production line to the customer. The service line

would end at the outlet of the meter, or the connection to customer owned piping, whichever is further downstream. Since the outlet of the meter is further downstream than the connection to customer owned piping, the service line would end at the outlet of the relocated meter.

Question 2: Does the lease agreement, which provides that the operator is responsible for the meter and House B is responsible for the regulator and all other piping from the production line tap valve, impact the determination of whether the line is a service line?

Response to question 2: No. The private lease agreement does not impact the determination of whether the line is a service line under 49 CFR § 192.3.

Question 3: Given the above-described configuration, is the producer an “operator” as defined in 49 CFR § 192.3?

Response to question 3: Yes. An “operator” is a person who engages in the transportation of gas, which includes the distribution of gas by pipeline in or affecting interstate commerce (49 CFR §§ 19 J.3 and 192.3). From the information provided, the producer provided natural gas from its production line to the consumers which was measured by the producer-owned customer meter. While production lines are not regulated, 49 CFR Parts 191 and 192 apply to distribution lines regardless of whether the “common source of supply” is a regulated line. Therefore, because the producer is engaged in the transportation of natural gas via a regulated service pipeline, it is an

operator under 49 CFR Parts 191 and 192 and must comply with all applicable requirements contained therein on the “service line” defined in the Response to question I.

Keep in mind that this response letter reflects the agency’s application of the regulations based on our understanding of the specific facts as presented by the person requesting the clarification. Interpretations do not create legally enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,
John A. Gale
Director, Office of Standards
and Rulemaking

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 1960—199) in the form of interpretation letters. These letters reflect the agency’s current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

Attachment 3

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

In the Matter of

Mifflin Energy Corporation,

Petitioner.

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Docket No. _____

PETITION FOR DECLARATORY ORDER

Pursuant to 49 U.S.C. § 60117(b)(1)(J), Mifflin Energy Corporation (Mifflin) respectfully petitions the Pipeline and Hazardous Materials Safety Administration (PHMSA) for issuance of a declaratory order to resolve a matter of ongoing uncertainty and controversy. Specifically, Mifflin is respectfully requesting that PHMSA issue an order declaring that (1) customer piping is not subject to the safety standards in 49 CFR Part 192, and (2) that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping—pursuant to the terms of what is more commonly known as a “free gas” or “farm tap” agreement—is not responsible for ensuring that the customer’s piping complies with the safety standards in Part 192.

Mifflin is also respectfully requesting that PHMSA rescind a September 1, 2021, letter of interpretation that the Office of Pipeline Safety (OPS) issued to the Bureau of Investigation and Enforcement (BI&E) of the Pennsylvania Public Utility Commission (PAPUC).⁹ In that letter of interpretation, OPS contravened well-established prac-

edent by suggesting that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to a free gas or farm tap agreement is responsible for ensuring that the customer’s piping complies with Part 192. As important, OPS issued that letter of interpretation to assist BI&E’s investigation of an April 9, 2020, incident involving the failure of customer piping that received gas directly from a non-jurisdictional production line owned and operated by Mifflin. OPS did not provide Mifflin with prior notice or the opportunity to respond to the request before issuing the interpretation, even though the facts and questions that BI&E presented were based on the incident. OPS erred in that regard given the significance of the interpretation to BI&E’s investigation of the incident and resulting impact on Mifflin’s Part 192 compliance obligations.

I. Background

a. Mifflin is authorized to petition PHMSA for issuance of a declaratory order.

In Section 108(a) of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2020, Consolidated Appropriations Act, 2021, Division R, Pub.L. 116-260, § 108(a), 134 Stat. 1181, 2221, 2223 (2020 PIPES

⁹ PHMSA Letter of Interpretation to Ms. Stephanie Wimer, Pennsylvania Public Utility Comm’n, PI-21-0003 (Sept. 1, 2021), Attachment 1. BI&E is an independent staff arm of the PAPUC that has authority to investigate matters potentially involving violations of the Public Utility Code and the Gas and Hazardous Liquids Pipeline Act, Act of Dec. 22, 2011, P.L. No. 586, No. 127 (Act 127) (codified at 58 Pa. Const. Stat. §§ 801.101 et seq. (2020)).

Act), Congress added Section 60117(b)(1)(J) to the Pipeline Safety Act. Section 60117(b)(1)(J) states, in relevant part, that “[i]n implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall . . . allow an operator to request that an issue of controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5.” 49 U.S.C. § 60117(b)(1)(J). Section 554(e) of the Administrative Procedure Act (APA) further states that an “agency, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty.” 5 U.S.C. § 554(e).¹⁰ Unlike an advisory opinion, letter of interpretation, or other forms of informal agency guidance, the matters addressed in a declaratory order are legally binding on the issuing agency and any named parties as to the facts and circumstances presented in the petition.

The Administrative Conference of the United States¹¹ (ACUS) has provided guidance for federal agencies to consider in issuing declaratory orders.¹² That guidance states that “[a]n agency may properly use a declaratory order for a wide variety of purposes, including to: (1) Interpret the agency’s governing statute or own regulations; (2) define terms of art; (3) clarify whether a matter falls within federal regulatory authority; or (4) address questions of preemption.”¹³ Federal agencies have issued declaratory orders to address a wide range of questions that are consistent with the ACUS guidance, e.g., defining a term of art in the agency’s statute or regulatory scheme,¹⁴ deciding questions regarding an entity’s regulatory obligations,¹⁵ determining the regulatory status of proposed energy projects,¹⁶ identifying whether certain conduct may trigger enforcement,¹⁷ and clarifying whether a state or local regulation is preempted.¹⁸ The Federal Energy Regulatory Commission (FERC) regularly issues declaratory orders on questions pertaining to pipeline and liquefied natural gas projects, the same types of

facilities that are subject to PHMSA’s jurisdiction under the Pipeline Safety Act.¹⁹

Despite the unambiguous language of Section 60117(b)(1)(J) and well-established use of declaratory orders by other federal agencies, PHMSA’s enforcement guidance suggests that an operator cannot petition the agency for the issuance of a declaratory order to resolve an ongoing controversy or remove uncertainty. The relevant guidance states that “[i]f an operator requests a declaratory order under 5 U.S.C. § 554(e), PHMSA will refer the operator to submit a request for a written interpretation. See 49 CFR § 190.11(b).”²⁰ Mifflin respectfully submits that the foregoing policy is contrary to law, because a written interpretation under 49 CFR § 190.11(b) is simply not a substitute for a declaratory order under Section 60117(b)(1)(J). As OPS observed in its September 1, 2021 letter of interpretation to BI&E, “[i]nterpretations do not create legally-enforceable rights or obligations.”²¹ Declaratory orders, on the other hand, are legally binding on the agency and any named parties and can be subject to judicial review under 49 U.S.C. § 60119(a). PHMSA cannot compel operators to forgo the exercise of their statutory right to petition for a declaratory order in favor of using a legally inadequate, alternative procedure.²²

b. PHMSA should issue the declaratory order that Mifflin is requesting.

Mifflin is respectfully requesting that PHMSA issue a declaratory order to resolve two matters of ongoing uncertainty and controversy; namely, (1) whether customer piping is subject to Part 192, and (2) whether the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to a free gas or farm tap agreement is responsible for ensuring that the customer’s piping complies with the requirements in Part 192. Mifflin is also asking PHMSA to rescind OPS’s September 1, 2021, letter of interpretation to BI&E, which is contrary to law and longstanding precedent. These matters are clearly appropriate for resolution through the issuance of a declaratory order under Section 60117(b)(1)(J).

First, the questions presented are of great significance to owners or operators of non-jurisdictional production and gathering lines that deliver gas directly to customer piping in farm tap configurations. The applicability of Part 192 to farm tap piping has been much debated in recent years. In April 2020, for example, PHMSA asked the public to provide comments on a draft set of frequently asked questions (FAQs) for farm taps,²³ and several industry trade organizations responded by raising concerns with the Part 192 status of customer piping in

¹⁰ The declaratory order provision in Section 554(e) originated with a recommendation from the Attorney General’s Committee on Administrative Procedure (AG Committee), ATTORNEY GEN.’S COMM. ON ADMIN. PROCEDURE, ADMINISTRATIVE PROCEDURE IN GOVERNMENT AGENCIES, S. Doc. No. 77-8, at 1 (1941). Citing the declaratory judgment available in federal and state courts, the AG Committee found that declaratory orders would “impart certainty to the administrative process, and individual citizens seeking an authoritative statement of their rights . . . aid and duties.” Id. at 6. The AG Committee further explained that the issuance of administrative declaratory orders would be appropriate where an entity seeks to confirm whether a proposed course of action would be subject to the agency’s jurisdiction, or to understand the implications of its proposed action. Id. at 31-32. A declaratory order would also be appropriate where “the critical facts can be explicitly stated, without possibility that subsequent events will alter them.” Id. at 32.

¹¹ ACUS is established by the Administrative Conference Act to “study the efficiency, adequacy, and fairness of the administrative procedure used by [Federal] agencies” and make recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements. 5 U.S.C. § 594(1).

¹² Administrative Conference of the United States, Adoption of Recommendations, 80 Fed. Reg. 78,161, 78,163 (Dec. 16, 2015).

¹³ Id. at 78,163. ACUS has explained that federal agencies benefit from the use of declaratory orders in at least four important ways:

First, declaratory orders promote voluntary compliance, which saves agency resources that would otherwise be spent on enforcement. Second, declaratory orders promote uniformity and fairness in treatment among the agency’s regulated parties. Third, declaratory orders facilitate communication between the agency and its regulated parties, which can help highlight issues before they become problems. Finally, declaratory orders help the agency stay current by allowing regulated parties to communicate how they are doing business so that agency officials can understand and address emerging issues.

Id.

¹⁴ *Illinois Terminal R.R. Co. v. Interstate Commerce Commission*, 671 F.2d 1214, 1216 (8th Cir. 1982) (ICC issued a declaratory order on the meaning of the term “bridge toll”).

¹⁵ *Ashland Oil & Ref. Co. v. Fed. Power Comm’n*, 421 F.2d 17, 20 (6th Cir. 1970).

¹⁶ Primary Power, LLC, 131 FERC ¶ 61,015 (2010).

¹⁷ *FCC v. Pacifica Found.*, 438 U.S. 726, 732–35 (1978).

¹⁸ The following cases involved FCC’s issuance of declaratory orders on questions regarding preemption of state regulations. *State Corp. Comm’n of Kan. v. FCC*, 787 F.2d 1421, 1428 (10th Cir. 1986); *N.Y. State Comm’n on Cable Television v. FCC*, 669 F.2d 58, 61, 66 (2d Cir. 1982); *N.C. Utils. Comm’n v. FCC*, 537 F.2d 787, 794 (4th Cir. 1976).

¹⁹ See e.g., *Andalusian Energy, L.L.C.*, 174 FERC ¶ 61,107 (2021) (granting a declaratory order that its planned construction and operation of facilities to produce compressed natural gas would not be subject to the Commission’s jurisdiction); *PennEast Pipeline Co.*, 170 FERC ¶ 61,064 (2020) (issuing declaratory order regarding scope of eminent domain authority for gas pipeline project under Natural Gas Act); *Shell Pipeline Co.*, 167 FERC 61,207 (2019) (issuing a declaratory order finding that certain existing pipelines, if repurposed as production and gathering lines, would not be subject to FERC’s jurisdiction); *Pivotal LNG, Inc.*, 151 FERC ¶ 61,006 (2015) (issuing a declaratory order finding that certain liquefaction facilities would not be subject to FERC’s jurisdiction); *Enbridge Offshore Facilities, LLC*, 150 FERC ¶ 61,103 (2015) (issuing declaratory order that bidirectional natural gas pipeline used in offshore oil production operations would not be subject to FERC’s jurisdiction under Natural Gas Act).

²⁰ PHMSA, Pipeline Safety Enforcement Procedures, Section 4 at 34 n.8, 71 n.14 (Dec. 9, 2022), <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-12/Section-4-Administrative-Enforcement-Processes-12-9-2022.pdf>.

²¹ PHMSA Letter of Interpretation to Ms. Stephanie Wimer, Pennsylvania Public Utility Comm’n, PI-21-0003 (Sept. 1, 2021), Attachment 1.

²² Mifflin notes that the right to petition for a declaratory order under Section 60117(b)(1)(J) of the Pipeline Safety Act is self-executing. 49 U.S.C. § 60117(b)(1)(J) (“the Secretary shall . . . allow an operator to request that an issue of controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5”) (emphasis added).

²³ Pipeline Safety: Farm Taps Frequently Asked Questions, 85 Fed. Reg. 21,820 (April 20, 2020).

farm tap configurations.²⁴ The Pennsylvania Independent Oil and Gas Association (PIOGA) specifically raised that issue in the context of Pennsylvania law, citing PAPUC's decision in *McGaughey v. Peoples Natural Gas Company LLC*, C-2018-3005956 (March 26, 2020) for the proposition that customer piping is not subject to regulation under Part 192, and the Pennsylvania Commonwealth Court's decision in *Adams v. Pub. Util. Comm'n*, 819 A.2d 631 (Pa. Cmwlth. 2003) for the proposition that farm tap agreements create private contractual obligations that are not subject to regulation for public utility purposes.²⁵ OPS did not address the comments that PIOGA and other industry trade associations submitted in response to the draft farm tap FAQs in its September 1, 2021, letter of interpretation to BI&E, even though the facts and circumstances of the April 9, 2020, incident clearly raised the same issues.

Nor did the September 1, 2021, letter of interpretation distinguish OPS's prior letters of interpretation to the Kentucky Public Service Commission, which expressly stated that in the context of a farm tap configuration the "piping and appurtenances that are owned by a customer or person not engaged in the transportation of gas (e.g., a farmer or residential customer) are not service lines and are not subject to requirements in Part 191 or Part 192,"²⁶ or the Virginia State Corporation Commission, which reached the same conclusion in analyzing three different piping configurations.²⁷ Instead, OPS suggested to BI&E that the owner or operator of a non-jurisdictional pipeline that delivers gas directly to customer piping is legally responsible under Part 192 for the portions of the customer's piping that it does not own or operate. In other words, OPS implied either (1) that the regulations in Part 192 can override the terms of a contract executed by two non-jurisdictional parties, or (2) that the customer itself is subject to PHMSA's jurisdiction and must comply with the requirements in Part 192, a position that is contrary to law and decades of well-established precedent.

Finally, clarifying the questions presented in this petition benefits all interested stakeholders. Rescinding the September 1, 2021, letter of interpretation and addressing the Part 192 status of customer piping in farm tap configurations will ensure that BI&E's investigation of the April 9, 2020, incident is not predicated on erroneous legal assumptions. The answer to these questions will also provide certainty to the scores of pipeline operators that deliver gas directly to customer piping pursuant to the terms of free gas or farm tap agreements. In the absence of these clarifications, Mifflin and other affected industry stakeholders will continue to be adversely affected by the ongoing controversy and uncertainty surrounding the Part 192 status of free gas and farm tap customers and the piping owned and operated by these customers in farm tap configurations.

II. Facts and Procedural History

Mifflin previously owned and operated four natural gas wells and an associated system of small-diameter pipelines in Washington Township, Greene County, Pennsylvania, pursuant to the terms of an oil and gas lease. The lease, known as the Shoup Lease, included as Attachment

9, was originally executed on May 3, 1982, and acquired by Mifflin in July 2005. While not relevant to the questions presented in this petition, Mifflin sold the wells, pipelines, and its rights under the Shoup Lease to a third party, effective as of January 1, 2022.

The Shoup Lease includes what is known as a free gas clause. Under that clause, the landowners (or lessors) reserved the right to use a certain amount of the gas produced from the wells for their own purposes. The relevant language in the Shoup Lease specifically states:

The Lessor shall retain full possession and control of said land for all purposes and uses not inconsistent or interfering with the aforesaid purposes and rights of the Lessee, and while gas is being produced from said land in an amount greater than the Lessee may need for drilling or operating thereon, the Lessor reserves the privilege, to be exercised following written notice to the Lessee and upon making his own connection at a well or at such other point as the Lessee may designate from time to time, of using for domestic purposes on said land not more than 250,000 cubic feet of gas in any one year, computed from the date or anniversary thereof when such connection was first completed. In order to use such gas the Lessor shall also install and maintain at a location satisfactory to the Lessee a suitable regulator or regulators, to reduce and control the pressure of gas to be metered to and used by the Lessor, and all such gas shall be taken and used at the Lessor's own risk and without liability on the part of the Lessee for any failure of the Lessor to obtain such gas on account of adverse weather conditions, the Lessee's use of pumping stations, breakage of lines, abandonment of wells or lines, or for other causes. The Lessee shall install and maintain a meter of standard make at a location satisfactory to the Lessee and provided by the Lessor, to measure any gas so used by the Lessor or other persons on said land. All gas used by the Lessor or any other persons on said land in excess of the aforesaid quantity in any one year as aforesaid, shall be deemed to be taken subject to the foregoing conditions and under the Lessee's current rules and regulations, and the Lessor covenants to pay or cause to be paid to the Lessee for same the latter's current domestic rate, in default of which payment promptly when due, the Lessee is hereby authorized to deduct the amount thereof from any royalty or other payments from time to time payable by the Lessee to the Lessor hereunder.

In other words, the Shoup Lease made clear that the landowner (or lessor) was responsible for making the connection necessary to receive the free gas and installing and maintaining a regulator or regulators to reduce and control the pressure of the gas. The landowner (or lessor) also assumed the risk of undertaking the activities necessary to use the free gas. Mifflin was only responsible for installing and maintaining the meter at a location suitable to it as the lessee and provided for by the landowner (or lessor).

When Mifflin served as the lessee under the Shoup Lease, gas flowed from the wells into 2-inch diameter production lines. Regulators installed at the wellhead limited the maximum operating pressure of the production lines to 20 psi, but the normal operating pressure generally ranged from 8 to 10 psi. After entering the production lines, the gas then flowed into piping down-

²⁴ Comments of the Independent Oil & Gas Ass'n of West Virginia, PHMSA-2019-0131 (June 18, 2020), Attachment 2; Comments of Kentucky Oil and Gas Ass'n, PHMSA-2019-0131 (June 18, 2020), Attachment 3; Comments of GPA Midstream Ass'n and the American Petroleum Institute (June 19, 2020), Attachment 4; Comments of the Pennsylvania Independent Oil & Gas Ass'n, PHMSA-2019-0131 (June 19, 2020), Attachment 5.

²⁵ Comments of the Pennsylvania Independent Oil & Gas Ass'n, PHMSA-2019-0131 (June 19, 2020), Attachment 5.

²⁶ PHMSA Letter of Interpretation to Mr. Michael J. Schmitt, Kentucky Public Service Comm'n, PI-18-0019 (Nov. 5, 2018), Attachment 6.

²⁷ PHMSA Letter of Interpretation to Mr. Massoud Tahamtani, Virginia State Corp. Comm'n, PI-96-002 (Feb. 13, 1996), Attachment 7.

stream for delivery to nearby landowners or to a third-party pipeline owned by Peoples Natural Gas for further transportation.

One of these landowners received free gas from a production line that originated at the Shoup # 4 Well for use at a residence located at 169 Water Dam Road. When Mifflin acquired the Shoup Lease in July 2005, the production line already had a tap, meter, and regulator installed approximately 1,100 feet northwest of 169 Water Dam, and the gas flowed from that point through piping owned by the landowner to the residence. The meter and regulator remained at that location until March 2020, when the landowner chose to move the regulator closer to the residence at 169 Water Dam. Consistent with industry practice and the terms of the Shoup Lease, Mifflin gave the landowner permission to relocate the meter further downstream next to the regulator at that time.

On April 9, 2020, a failure occurred on the landowner's piping that delivered the gas to 169 Water Dam, causing damage to a nearby residential structure located at 134 Water Dam Road. None of the non-jurisdictional piping owned and operated by Mifflin caused or contributed to the failure,²⁸ nor did the failure originate at the meter that the landowner had relocated closer to the residence at 169 Water Dam a few weeks earlier. Without Mifflin's knowledge, BI&E submitted a request several months later to OPS for an interpretation under 49 CFR § 190.11 regarding the applicability of Part 192 to the piping involved in the April 9, 2020 incident, i.e., "whether the portion of consumer-owned line that experienced the leak was subject to the definition of 'service line' set forth in 49 CFR § 192.3 at the time of the incident and whether the producer was responsible for this portion of the line."²⁹ In particular, BI&E asked whether the customer-owned portion of the piping between the tap and relocated meter was a service line under 49 CFR § 192.3; whether the customer's responsibility under the free gas agreement for the piping located between the tap and relocated meter affected the determination as to whether that piping qualified as a service line under 49 CFR § 192.3; and whether the producer, i.e., Mifflin, was an operator under Part 192 given the configuration of the piping involved in the April 9, 2020 incident.³⁰

Without providing Mifflin with prior notice or the opportunity to respond to BI&E's request, OPS issued an interpretation on September 21, 2021, addressing each of these questions.³¹ First, OPS advised BI&E that the portion of the piping extending from the tap to the relocated meter was a service line under the definition provided in 49 CFR § 192.3, even though the customer

²⁸ As BI&E and OPS both acknowledged in requesting and issuing the September 1, 2021 letter of interpretation, the 2-inch diameter Mifflin pipeline that delivered gas from the Shoup # 4 Well to the tap for the landowner's piping was a non-jurisdictional production line at all times relevant to the April 9, 2020, incident. PHMSA Letter of Interpretation to Ms. Stephanie Wimer, Pennsylvania Public Utility Comm'n, PI-21-0003 (Sept. 1, 2021), Attachment 1; see 49 U.S.C. § 60101(21)(A); 49 CFR §§ 192.8 and 192.9; see also PHMSA Letter of Interpretation to Mr. Edward M. Steele, Public Utilities Comm'n of Ohio, PI-92-010 (Mar. 12, 1992) ("Part 192 does not apply to production facilities"); PHMSA Letter of Interpretation to Mr. Lance Felthoalter, Engineering Technician, OXY USA, Inc. PI- 93-060 (Oct. 8, 1993) ("The regulations in Parts 40, 191, 192, and 199 apply to pipeline facilities used in the transportation of gas beginning at the end of the production process."). Mifflin further notes that even if the 2-inch diameter pipeline had been an onshore gas gathering line, the pipeline still would have been a non-jurisdictional Class 1 gas gathering line under the PHMSA regulations in effect at the time. See Gas Gathering Line Definition: Alternative Definition for Onshore Lines and New Safety Standards, 71 Fed. Reg. 13,289 (Mar. 15, 2006).

²⁹ PHMSA Letter of Interpretation to Ms. Stephanie Wimer, Pennsylvania Public Utility Comm'n, PI-21-0003 (Sept. 1, 2021), Attachment 1.

³⁰ *Id.*
³¹ Mifflin notes that certain statements made by BI&E in its January 29, 2021, request for interpretation about the piping involved in the April 9, 2020 incident are not accurate. For example, BI&E's description of the various landowners' ownership interests in the property involved is incorrect. Had OPS or BI&E advised Mifflin of the outstanding request, Mifflin would have been afforded the opportunity to correct these inaccuracies.

owned and assumed legal responsibility for that piping under the terms of the Shoup Lease. Second, OPS advised BI&E that the Shoup Lease had no impact on the determination as to whether that piping was part of a service line under 49 CFR § 192.3, even though the customer owned and assumed legal responsibility for that piping under the express terms of the free gas clause. Third, OPS advised BI&E that Mifflin was an operator under 49 CFR Part 192 solely because of its ownership of the meter that the customer relocated closer to the residence at 169 Water Dam, even though the customer had the sole and exclusive obligation under the Shoup Lease to establish the piping connection necessary to receive the free gas and to install and maintain the regulator.

III. Request for Relief

Mifflin is respectfully requesting that PHMSA issue an order declaring (1) that customer piping is not subject to the federal safety standards in Part 192, and (2) that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to the terms of a free gas or farm tap agreement is not responsible for ensuring that the customer's piping complies with the requirements in Part 192.

As to the first question, it is well established that a customer who receives gas for their own consumption is not a person engaged in the transportation of gas, and that owning or operating the piping that delivers that gas to the customer does not change the customer's non-jurisdictional status. As to the second question, it is equally well established that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to the terms of a free gas or farm tap agreement is not responsible for ensuring that the customer's piping complies with the requirements in Part 192.

OPS clearly erred in suggesting otherwise in its September 1, 2021, letter of interpretation to BI&E. PHMSA should rescind that interpretation and issue a declaratory order that adopts Mifflin's response to both questions.

a. Part 192 has never applied to customers or customer piping.

PHMSA has never treated customers who receive gas for their own consumption as persons engaged in transportation of gas or owners or operators of jurisdictional gas pipeline facilities. OPS clearly articulated that principle in a 1996 letter of interpretation to the Virginia State Corporation Commission addressing the extent of Part 192's applicability in various pipeline configurations, stating that a farmer who receives gas for use in operating a farm, a school that receives gas for use in operating a cafeteria and cooking equipment, and a community association that receives gas for use in running street and entrance lighting service were not jurisdictional gas pipeline operators under Part 192.³² OPS reiterated that principle two decades later in a letter of interpretation to the Kentucky Public Service Commission, noting that a customer who receives gas in a farm tap configuration is "not engaged in the transportation of gas."³³ OPS also clearly stated in both of these interpretations that any

³² PHMSA Letter of Interpretation to Mr. Massoud Tahamtani, Virginia State Corp. Comm'n, PI-96-002 (Feb. 13, 1996), Attachment 7.

³³ PHMSA Letter of Interpretation to Mr. Michael J. Schmitt, Kentucky Public Service Comm'n, PI-18-0019 (Nov. 5, 2018), Attachment 6.

pipings or appurtenances owned by the customer who receives gas for their own consumption are not subject to Part 192.³⁴

Nevertheless, OPS suggested in its September 1, 2021, letter of interpretation to BI&E that customer ownership is not a relevant factor in determining if piping is part of a regulated service line under 49 CFR § 192.3. That suggestion contradicts OPS's longstanding position to the contrary, i.e., that customers are not jurisdictional gas pipeline operators, and that customer piping is not part of a regulated service line under Part 192. OPS did not acknowledge or provide any explanation for changing its position in the September 1, 2021, letter of interpretation or consider the significant reliance interests involved in doing so, particularly for owners and operators of pipelines that provide gas directly to free gas or farm tap customers and the customers themselves.³⁵ PHMSA should rescind OPS's September 1, 2021, letter of interpretation on this basis alone.

Nor did OPS address the significance of the free gas clause in the Shoup Lease in determining the jurisdictional status of the customer or customer piping involved in the April 9, 2020, incident. In fact, OPS stated that the Shoup Lease had no relevance in determining if the customer piping was part of a regulated service line under 49 CFR § 192.3. OPS clearly erred in that respect as its prior interpretations and the rulemaking proceeding for the customer notification requirements in 49 CFR § 192.16 make clear that the terms of the Shoup Lease govern in determining the extent of the non-jurisdictional customer piping in a farm tap configuration.

b. Production and gathering line operators have never been legally responsible for ensuring Part 192 compliance of customer-owned service lines.

PHMSA has long acknowledged that operators are not legally responsible for ensuring that customer piping complies with the requirements in Part 192. In a 1973 letter of interpretation, PHMSA stated that, "consistent with the new definition of 'service line,' if piping downstream of the meter is owned by the customer, such piping is not included within the definition and, therefore, is not covered by the regulations."³⁶ PHMSA reiterated that position two decades later in addressing a rulemaking mandate that Congress added to the Natural Gas Pipeline Safety Act for customer-owned service lines.³⁷ In promulgating the customer notification requirements in 49 CFR § 192.16 in a subsequent final rule, PHMSA stated that "regardless of length, customer piping downstream from an operator's service line is not subject to the maintenance standards of Part 192."³⁸ PHMSA also confirmed throughout that rulemaking process that "the Federal gas pipeline safety standards do not require gas pipeline operators to maintain customer-owned services lines[,]"³⁹ and that the notification requirement "do[es]

not require operators to take over the maintenance of these lines."⁴⁰ PHMSA explained that section 192.16 only required an operator who does not maintain the customer's buried piping to notify the customer in writing that "buried gas piping should be periodically inspected for leaks; periodically inspected for corrosion, if the piping is metallic; and repaired if any unsafe condition is found."⁴¹

PHMSA has never required an operator of a non-jurisdictional production or gathering line to ensure Part 192 compliance for piping that a free gas or farm tap customer owns and operates. In fact, OPS reached the opposite conclusion in its 2018 letter of interpretation to the Kentucky Public Service Commission, stating that "piping and appurtenances that are owned by the customer or person not engaged in the transportation of gas (e.g., a farmer or residential customer) are not service lines and are not subject to the requirements in Part 191 or Part 192."⁴² Nor has PHMSA ever suggested that a producer's ownership of a meter that is located on customer piping and used to facilitate the customer's right to receive free gas for its own use is sufficient to trigger jurisdictional gas pipeline operator status under the Pipeline Safety Act and regulations in 49 CFR Parts 190 to 199.⁴³

The definition of a "service line" in 49 CFR § 192.3 does not change any of the foregoing conclusions. While that definition states that "[a] service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter,"⁴⁴ PHMSA has acknowledged that if the customer owns the piping upstream from the meter the operator is not responsible for that piping. PHMSA recognized the potential confusion embodied in that very definition in promulgating the customer notification requirements in 49 CFR § 192.16, stating that the term customer-owned service line "could be easily confused with 'service line'" because "some customers own the portion of a service line on private property between a distribution main and customer meter."⁴⁵ But, again, PHMSA confirmed that "[r]egardless of length, customer piping downstream from an operator's service line is not subject to the maintenance standards of Part 192."⁴⁶ Indeed, if PHMSA had wanted operators to be responsible for all of the piping located between the main and meter, including in cases where the customer owned that piping, the notification requirements in 49 CFR § 192.16 would not be necessary at all.

Notwithstanding the well-established precedent to the contrary, OPS suggested in its September 1, 2021, letter of interpretation to BI&E that the operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping is legally responsible for ensuring that the customer's piping complies with Part 192. Again, OPS did not acknowledge or provide any explanation for changing its longstanding position in the September 1, 2021, letter of interpretation or consider the significant reliance interests involved in doing so, particularly for owners and operators of pipelines that provide gas directly to free gas or farm tap customers.⁴⁷ Nor did OPS explain how a producer becomes a jurisdictional gas pipeline operator simply by owning a meter that facilitates a

³⁴ PHMSA Letter of Interpretation to Mr. Massoud Tahamtani, Virginia State Corp. Comm'n, PI-96-002 (Feb. 13, 1996), Attachment 7; PHMSA Letter of Interpretation to Mr. Michael J. Schmitt, Kentucky Public Service Comm'n, PI-18-0019 (Nov. 5, 2018), Attachment 6.

³⁵ *Department of Homeland Security et al. v. Regents of the University of California et al.*, 140 S.Ct. 1891, 1913—1915 (2020); *Encino Motorcars, LLC v. Navarro*, 136 S.Ct. 2117, 2126-2127 (2016).

³⁶ PHMSA Letter of Interpretation to Mr. William Doll, Corrosion Assoc., PI-73-0109 (June 1, 1973), Attachment 8.

³⁷ Pipeline Safety Act of 1992, Pub.L. No. 102-508, § 115(a), 106 Stat. 3289, 3296 (Oct. 24, 1992) ("Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations requiring operators of natural gas distribution pipelines which do not maintain customer-owned service lines up to building walls to advise their customers of the requirements for maintenance of those lines, any resources known to the operator that could aid customers in doing such maintenance, any information that the operator has concerning the operation and maintenance of its lines that could aid customers, and the potential hazards of not maintaining service lines.")

³⁸ Customer-Owned Service Lines, 60 Fed. Reg. 41,821, 41,821 (Aug. 14, 1995).

³⁹ Customer-Owned Service Lines, Notice of Proposed Rulemaking, 59 Fed. Reg. 5,168, 5,169 (Feb. 3, 1994).

⁴⁰ Id.

⁴¹ Customer-Owned Service Lines, 60 Fed. Reg. at 41,825; 49 CFR § 192.16(b).

⁴² PHMSA Letter of Interpretation to Mr. Michael Schmitt, Kentucky Public Service Comm'n, PI-18-0019 (Nov. 5, 2018), Attachment 6.

⁴³ The absurdity of that position is demonstrated by the fact that the producer would be treated as the operator of a jurisdictional gas distribution line that consists solely and entirely of a meter, the ownership of which would require the producer to comply with the annual, incident, safety-related condition, and operator registration and reporting requirements in Part 191, as well as the safety standards in Part 192, and the drug and alcohol testing requirements in Part 199.

⁴⁴ 49 CFR § 192.3

⁴⁵ Customer-Owned Service Lines, 60 Fed. Reg. at 41,822.

⁴⁶ Id. at 41,821.

⁴⁷ *Department of Homeland Security et al. v. Regents of the University of California et al.*, 140 S.Ct. 1891, 1913—1915 (2020); *Encino Motorcars, LLC v. Navarro*, 136 S.Ct. 2117, 2126-2127 (2016).

landowner’s right to obtain gas that is reserved solely for its own consumption under a free gas or farm tap agreement. PHMSA should rescind OPS’s September 1, 2021, letter of interpretation on this basis as well.

Finally, OPS did not identify any statute or regulation that authorizes a non-jurisdictional producer to override the terms of a private contractual agreement with a landowner and assume responsibility for determining the design, construction, testing, operation, and maintenance of customer piping that it does not own or operate. There is no legal authority to support that position, which is in direct conflict with OPS’s prior interpretations and the customer notification requirements in 49 CFR § 192.16. PHMSA should rescind OPS’s September 1, 2021, letter of interpretation as unlawful on these grounds, too.

IV. Conclusion

For the foregoing reasons, Mifflin respectfully requests that PHMSA issue a declaratory order concluding that (1) that customer piping is not subject to the federal safety

standards in 49 CFR Part 192, and (2) that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to the terms of a free gas or farm tap agreement is not responsible for ensuring that the customer’s piping complies with the requirements in Part 192. Mifflin is also respectfully requesting that PHMSA rescind the September 1, 2021, OPS letter of interpretation to BI&E in issuing the declaratory order.

Respectfully submitted this 20th day of March, 2023.

Keith J. Coyle, Esquire
Babst, Calland, Clements &
Zomnir, P.C.
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Washington, DC 20004
(202) 853-3460
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Counsel for Petitioner

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

_____)
In the Matter of)
)
Mifflin Energy Corporation,) **Docket No. _____**
)
Petitioner.)
_____)

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2023, I served, via electronic mail, the foregoing document on each of the following persons:

Tristan Brown, Deputy Administrator, Pipeline and Hazardous Materials Safety Administration

Alan Mayberry, Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration

Keith J. Coyle, Esquire
Babst, Calland, Clements &
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(202) 853-3460
kcoyle@babstcalland.com
Counsel for Petitioner

Attachment 4

June 9, 2023

VIA ELECTRONIC MAIL TO: kcoyle@babstcalland.com

Keith J. Coyle, Esquire
 Babst, Calland, Clements & Zomnir, P.C.
 505 9th Street, NW, Suite 602
 Washington, DC 20004

Re: Petition for Declaratory Order

Dear Mr. Coyle:

This letter concerns your Petition for Declaratory Order filed March 20, 2023, in the matter concerning Mifflin Energy Corporation. As noted in your petition, it was filed pursuant to 49 U.S.C. § 60117(b)(1)(J), a law enacted by Congress in section 108 of the PIPES Act of 2020. The law provides, “In implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall. . .allow an operator to request that an issue of

controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5.” Your petition is the first such request submitted by an operator since enactment of the new law.

In determining an appropriate process for handling your request, PHMSA consulted 5 U.S.C. § 554(e) as well as processes employed by other federal agencies. In the coming weeks, PHMSA will create a docket and publish in the *Federal Register* notice of your petition and request for public comment. At the conclusion of the comment period, PHMSA will consider the petition and public comments and will issue a decision.

A copy of this letter will be placed in the public docket. If you have any questions, you may reach out to Mr. Tewabe Asebe at tewabe.asebe@dot.gov.

Sincerely,

Benjamin Fred
 Assistant Chief Counsel
 Pipeline Safety Law Division

Appendix A

**BEFORE THE
 PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
 Bureau of Investigation and Enforcement’s :
 Investigation of the April 9, 2020 Incident at : Docket No. M-2023-3019782
 134 Water Dam Road, Waynesburg, Greene :
 County, PA (Mifflin Energy Corp.) :

PROPOSED ORDERING PARAGRAPHS

1. That the Joint Petition for Approval of Settlement filed on June 26, 2023 between the Commission’s Bureau of Investigation and Enforcement and Mifflin Energy Corp. is granted and the underlying Settlement Agreement is approved in its entirety as submitted without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, Mifflin Energy Corp. shall pay a civil penalty in the amount of one hundred

thousand dollars (\$100,000). Said payment shall be made by certified check or money order payable to “Commonwealth of Pennsylvania” and shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

3. That upon receipt of the civil penalty payment of the above amount from Mifflin Energy Corp. the above-captioned matter shall be marked closed.

Appendix B

**BEFORE THE
 PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau :
 of Investigation and Enforcement’s Investigation :
 of the April 9, 2020 Incident at 134 Water Dam : Docket No. M-2023-3019782
 Road, Waynesburg, Greene County, PA (Mifflin :
 Energy Corp.) :

THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S STATEMENT IN SUPPORT OF THE JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the above-docketed matter (“Informal

Investigation”), submits this Statement in Support of the Settlement Agreement between I&E and Mifflin Energy Corp. (“Mifflin Energy” or “Company”).⁴⁸ I&E avers that the terms and conditions of the Settlement Agreement are just and reasonable and in the public interest for the reasons set forth herein.

⁴⁸ I&E and Mifflin Energy are collectively referred to herein as the “Parties.”

I. Background

I&E's informal investigation concerns an explosion that occurred on April 9, 2020 at 134 Water Dam Road, Waynesburg, Greene County, Pennsylvania ("Incident"). The Incident destroyed the residence at 134 Water Dam Road where the female homeowner suffered second degree burns.

Mifflin Energy owned and operated a gas well, Shoup # 4,⁴⁹ which is located on a 210-acre parcel leased to Mifflin Energy that included the properties at 134 Water Dam Road and 169 Water Dam Road. Prior to and at the time of the Incident, gas from this well was made available to the residences at 134 Water Dam Road, the site of the explosion, and 169 Water Dam Road, a neighboring property, from a 2-inch production line running in a northerly direction for approximately 300 feet from Shoup # 4 to a tap located on the property of 134 Water Dam Road. At the tap, there is a "T" and two shut-off valves, one on each side of the tap. On one side of the tap, there is a service line serving the residence at 134 Water Dam Road. On the other side of the tap, there is a service line that crosses a public township road and terminates on the property of 169 Water Dam Road. According to Mifflin Energy, the home at 134 Water Dam Road was constructed by its owner prior to 2005 when Mifflin Energy acquired its production and gathering facilities in the vicinity. It is not known if the homeowners at 134 Water Dam Road were aware they were constructing their home close to the service line that conveyed gas from Mifflin Energy's production facilities to the property at 169 Water Dam Road.

The meter and regulator for the service line to 134 Water Dam Road were immediately adjacent to the tap and approximately 1,000 feet away from the former residential structure at 134 Water Dam Road. The meter and regulator for the service line to 169 Water Dam Road were also immediately adjacent to the tap prior to March 2020. However, less than one month prior to the Incident, on or about March 28, 2020, the owner of 169 Water Dam Road contacted a Mifflin Energy representative seeking permission to relocate Mifflin Energy's meter, as well as their own pressure regulator, closer to the residence at 169 Water Dam Road. The Mifflin Energy representative granted the homeowner's request to move the Mifflin Energy meter. There is no written record of the work performed related to the relocation of the meter and regulator.

Pipeline Safety Inspectors from I&E's Safety Division responded to the scene on the day of the Incident and initiated an investigation. The suspected cause of the Incident was a leak on the service line. The gas leak that led to the Incident occurred on the 1-inch bare steel service line to 169 Water Dam Road between the Mifflin Energy tap and the relocated meter serving 169 Water Dam Road and in proximity of the residence at 134 Water Dam Road. Prior to the Incident, the I&E Safety Division was not aware of Mifflin Energy's pipeline facilities since the Company was not registered with the PUC or PHMSA as a pipeline operator. The question of Commission jurisdiction over the service line was debated amongst the Parties and was a key factor in the decision of the Parties to settle this matter.

⁴⁹ Shoup # 4 is one of four wells formerly owned and operated by Mifflin Energy on the Shoup Lease. The Shoup Lease is a 210-acre natural gas and oil lease in Washington Township, Pennsylvania, which was entered into on May 3, 1982 by Margaret E. Shoup and her family, and Kepco, Inc. Mifflin Energy purchased the wells on the Shoup Lease in July of 2005.

On June 26, 2023, the Parties filed a Joint Petition for Settlement in this matter. This Statement in Support is submitted in conjunction with the Settlement.

II. The Public Interest

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E's informal investigation involving allegations related to the Incident in question.

The factual circumstances of this case warrant the resolution as memorialized by the Settlement Agreement. At first blush, it would appear that Mifflin Energy should be classified as a "pipeline operator" as that term is defined under Act 127, 58 P.S. § 801.102, based on I&E's view that Mifflin Energy owned or operated "equipment or facilities in [the Commonwealth of Pennsylvania] for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under Federal pipeline safety laws." I&E posited that moving the meter to a location away from the tap and adjacent to the residence at 169 Water Dam Road transformed the service line into a jurisdictional service line, with jurisdiction ending at the outlet of the relocated consumer meter pursuant to 49 CFR § 192.3. Upon that meter relocation, I&E posited that Mifflin Energy became responsible for complying with Act 127 and applicable Federal pipeline safety regulations. The circumstances here exemplify the fine line between facilities deemed non-jurisdictional and facilities deemed jurisdictional such that all of the responsibilities under Act 127 must be adhered to. In this case, mitigating factors ensue that warrant settlement. Those factors include the means by which the facilities became jurisdictional (a homeowner's request to simply relocate a meter downstream), the short timeframe for which Mifflin Energy was deemed by I&E's Safety Division to be jurisdictional prior to the Incident (less than three weeks) and a subsequent change in circumstances regarding the facilities (the operating assets of the Company have since been sold to a non-affiliated entity). As a matter going forward, even if the Act 127 pipeline operator rules and regulations applied to Mifflin Energy at the time of the Incident as I&E posits, with its operational assets now sold, Mifflin Energy is no longer subject to those rules and regulations and thus prospectively removed from the jurisdiction of the Commission. In amicably resolving this matter, I&E agreed to forego formal enforcement action regarding the alleged violations and related remedial measures that would have otherwise been pursued for compliance with the Act and related Federal pipeline safety laws, finding that the public interest is best served under the unique circumstances portrayed here with a swift and fair settlement.

III. Terms of Settlement

I&E and Mifflin Energy, intending to be legally bound and for consideration given and received, desire to fully and finally conclude this investigation and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

Mifflin Energy shall pay a civil penalty in the amount of One Hundred Thousand Dollars (\$100,000) pursuant to 58 P.S. § 801.502 and 52 Pa. Code § 69.1201. Said payment shall be made within thirty (30) days of the Commission's Final Order (not subject to pending appeal or other legal challenge) approving any Settlement Agree-

ment in this matter and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Mifflin Energy agrees that the civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

Since Mifflin Energy has sold its operational assets to a new owner that has no affiliation with Mifflin Energy, the Parties agree that the remedial measures that would otherwise be sought and potentially imposed upon Mifflin Energy, are no longer applicable to Mifflin Energy, as the sale of these assets relinquishes Mifflin Energy from falling within the definition of a pipeline operator and, accordingly, Act 127's pipeline operator requirements are no longer applicable to Mifflin Energy.

Upon Commission entry of a Final Order (not subject to pending appeal or other legal challenge) approving the Settlement Agreement in its entirety without modification, I&E acknowledges and confirms that Mifflin Energy is and will be released from all past or future claims that were made or could have been made by I&E and/or the Commission for monetary and/or other relief based on allegations that the Company failed to comply with the requirements of the Code, the Act, and any other state or federal regulations addressing gas pipeline safety.

I&E acknowledges and confirms that Mifflin Energy, given its prior sale of its physical assets and its participation in this Settlement Agreement with respect to the Incident, has no prospective obligations as a pipeline operator under state or federal law with respect to any pipeline or related facilities involved in the Incident.

I&E and Mifflin Energy jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, and avoids the time and expense of litigation, which entails hearings, travel for I&E and Mifflin Energy's witnesses, and the preparation and filing of any potential briefs, exceptions, replies to exceptions, and appeals. Appendix B and Appendix C are Statements in Support submitted by I&E and Mifflin Energy, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

IV. *Conditions of Settlement*

The benefits and obligations of the Settlement Agreement filed alongside this Statement in Support shall be binding upon the successors and assigns of the Parties to the Settlement.

The Settlement Agreement may be signed in counterparts and all signatures attached hereto will be considered as originals.

In order to effectuate the Parties' Settlement Agreement, the undersigned Parties request that the Commission issue a Final Order approving the Settlement without modification.

The Parties agree that any Party may petition the Commission for a hearing or take other recourse allowed under the Commission's rules if the Commission Order rejects the Settlement Agreement or otherwise modifies the terms of the Settlement Agreement. In that event, any party may give notice to the other that it is withdrawing from the Settlement. Such notice must be in writing and must be given within twenty (20) business days of the entry of the Final Order which modifies or rejects the Settlement Agreement. The consequence of any Party withdrawing from the Settlement Agreement as set forth above is that all issues associated with the requested relief presented in the proceeding may be fully litigated by the filing of a Formal Complaint unless otherwise stipulated between the Parties and all obligations of the Parties to each other set forth herein are terminated and of no force and effect. In the event that a Party withdraws from Settlement Agreement as set forth in this paragraph, I&E and Company jointly agree that nothing in the Settlement Agreement shall be construed as an admission against or as prejudice to any position which any Party might adopt during litigation of this case.

I&E and Company jointly acknowledge that approval of the Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations. 52 Pa. Code § 69.1201. The Commission will serve the public interest by approving this Joint Petition for Approval of Settlement.

The Settlement Agreement avoids the time and expense of litigation in this matter before the Commission, which likely would entail the filing of a Formal Complaint, the preparation for and attendance at hearings, and the preparation and filing of testimony, briefs, reply briefs, exceptions, and reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement.

Since the Parties agree to the terms of the Settlement Agreement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

The Settlement consists of the entire agreement between I&E and Mifflin Energy regarding the matters addressed herein. Moreover, this Settlement Agreement represents a complete settlement of I&E's informal investigation against Mifflin Energy's alleged violations of the Public Utility Code and the Commission's regulations. The Parties expressly acknowledge that the Settlement Agreement represents a compromise of positions and does not in any way constitute a finding or an admission concerning the alleged violations of the Public Utility Code and the Commission's regulations. The Settlement shall be construed and interpreted under Pennsylvania Law.

None of the provisions in this Settlement shall be considered or shall constitute an admission, a finding of any fact, or a finding of culpability on the part of Mifflin Energy in this or any other proceeding. The Settlement is presented without prejudice to any position that either Party may have advanced, and without prejudice to the position any Party may advance, in the future on the

merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement.

The terms and conditions of the Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

V. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011). Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors ("Rosi factors") that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

It is important to note that the Commission will not apply the *Rosi* factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter involves a question of Commission jurisdiction under Act 127 based on the configuration of the Company's facilities. The question of jurisdiction arose from an Incident investigation where one individual suffered injuries. I&E notes that the Incident was an isolated event and did not place members of the general public at grave risk of injury. Nevertheless, because safe and adequate service to the public is a major concern when gas safety incidents occur, I&E considers the consequences of the Incident to be of a serious nature, which warrants a higher civil penalty.

The second factor considers whether the resulting consequences of Mifflin Energy's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). Here, the Incident involved a gas explosion and resulted in the destruction of property and the injury of one individual. It was the investigation of this Incident that led I&E's Safety Division to question the jurisdiction of the Company's facilities. The failure of a jurisdictional entity to comply with Act 127 is deemed to be serious. Here, a dispute arises as to whether Mifflin Energy was in fact a jurisdictional entity as a result of a meter relocation on a service line. Whether or not the Incident itself was jurisdictional, consequences of a serious nature were involved.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* Whether Mifflin Energy's alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether Mifflin Energy has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). As noted in the Joint Petition, since the Incident, Mifflin Energy has divested itself from the operational assets that were at issue here. Given that Mifflin Energy no longer has any assets that could fall under the jurisdiction of the Commission, the Company has removed itself from the possibility of any future violations.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). Again, I&E determined that this was an isolated Incident involving facilities that served only two residences. The jurisdictional issue raised related to a single service line. Mifflin Energy has since sold all of its operational assets and does not own any jurisdictional facilities.

The sixth factor to be considered relates to the compliance history of Mifflin Energy. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise complaint company may result in a lower penalty. Here, Mifflin Energy was not known to have any jurisdictional facilities prior to the Incident and, thus, has no compliance history with the Commission.

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). Mifflin Energy has cooperated with I&E's investigation in order to address the violations alleged as a result of the Incident. Given that Mifflin Energy no longer owns or operates the facilities related to the Incident, the jurisdictional issue and application of Act 127 to these facilities no longer apply to Mifflin Energy prospectively. It was determined that this severely limited the value of pursuing litigation against Mifflin Energy. The Parties further determined that it was in their respective best interest, as well as in the public interest, to settle this matter and to reach an amicable agreement as to an appropriate civil penalty amount that adequately balances all the relevant interests under the unique circumstances of this case. A fair and equitable civil penalty has been reached in this Settlement Agreement without the need to pursue formal enforcement action.

The eighth factor to be considered is the appropriate civil penalty necessary to address the Incident and to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E determined that the change in circumstances resulting in the elimination of prospective obligations under the Act did not completely exonerate Mifflin Energy from the violations it alleges Mifflin Energy committed, and to which Mifflin Energy continues to assert do not apply. As noted above with regard to the seventh factor, given that seeking deterrence from committing future violations does not apply here under the circumstances noted, I&E submits that the negotiated civil penalty amount of \$100,000, which is not tax deductible, is a fair, substantial and sufficient result to find that this Settlement Agreement is in the public interest.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the circumstances of this matter are unique, but that other settlements involving Act 127 have been approved by the Commission. In *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Bushkill Group, Inc.*, Docket No. C-2015-2512950 (Order entered November 30, 2018), the Commission approved the Joint Petition for Approval of Settlement as submitted without modification resolving allegations including but not limited to failing to file Act 127 reports and failing to maintain a procedural manual for operations where respondent agreed to pay a civil penalty of \$37,500. Similarly, in *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. XTO ENERGY, Inc. and Mountain Gathering, LLC*, Docket No. C-2014-2444722 (Order entered September 3, 2015), the Commission approved a settlement agreement wherein the respondent agreed to pay a civil penalty of \$30,000 to resolve the allegations alleged that the respondents failed to timely identify and classify pipelines for reporting and assessment purposes pursuant to Act 127. By comparison, the instant matter involves a Company that unwittingly, by approving the relocation of a single meter, became a jurisdictional pipeline operator in the eyes of the I&E Safety Division for less than a month prior to I&E's investigation. Here, Mifflin Energy has since sold its operational assets divesting itself from any possible Com-

mission jurisdiction going forward, and agrees to pay a civil penalty of \$100,000 to resolve the matter.

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). In support of the \$100,000 civil penalty, I&E again notes the unique circumstances of this matter. Mifflin Energy, given its prior sale of its operational assets and its participation in this Settlement Agreement with respect to the Incident, has no prospective obligations as a pipeline operator under state or federal law with respect to any pipeline or related facilities involved in the Incident. Given the fair civil penalty to be paid by Mifflin Energy, there is simply no benefit to proceeding to litigation or seeking a more significant monetary penalty.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. Moreover, the circumstances of this case evidence that there are no prospective remedies to apply to Mifflin Energy since the Parties agree that Mifflin Energy's sale of its operational assets removes the Company from the realm of Act 127 jurisdiction going forward. Mifflin Energy has agreed to pay a fair civil penalty as part of this Settlement Agreement. The overarching jurisdictional issue of "farm tap" facilities is to be addressed by PHMSA. Accordingly, approval of this Settlement Agreement is in the public interest.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the terms of the Joint Petition in their entirety without modification.

Respectfully submitted,
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Appendix C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau
of Investigation and Enforcement

v.

Mifflin Energy Corp.

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:
:
: Docket No. M-2023-3019782
:
:

**MIFFLIN ENERGY CORP. STATEMENT IN
SUPPORT OF FULL SETTLEMENT OF INFORMAL
INVESTIGATION**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Mifflin Energy Corp. ("Mifflin Energy")⁵⁰ hereby files this Statement In Support Of Full Settlement Of Informal

Investigation ("Statement") in connection with a Joint Petition for Approval of Settlement ("Settlement Agreement," "Settlement," or "Joint Petition") entered into by Mifflin Energy and the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") (collectively, "Joint Petitioners") in the above-captioned proceeding. The Settlement Agreement is intended to resolve all issues related to a natural gas explosion that occurred on April 9, 2020, at 134 Water Dam Road, Waynesburg, Greene County, Pennsylvania (the "Incident"), including any alleged liability arising

⁵⁰ Mifflin Energy is a natural gas production company with three employees that owned production facilities in the vicinity of the Incident since 2005. Mifflin Energy's operating assets were sold to a new owner, Mifflin Energy Resources, LLC effective on January 1, 2022. Mifflin Resources, LLC has no legal affiliation with Mifflin Energy.

under the Gas and Hazardous Liquid Pipelines Act of Dec. 22, 2011, P.L. 586, No. 127, 58 P.S. § 801.101 et seq (“Act 127”). Mifflin Energy has settled the threatened prosecution to: (i) avoid the greater expense of defending I&E’s allegations in a fully litigated formal complaint and (ii) achieve certainty in final resolution of this matter. Rather than engage in months of costly litigation that would delay final resolution of the issues in this matter, Mifflin Energy has provided I&E with all information requested, fully cooperated with I&E, and the Joint Petitioners have developed a reasonable resolution of I&E’s informal investigation of the Incident. The Settlement Agreement is in the public interest and meets all legal requirements. Therefore, it should be approved by the Commission without modification.

I. Background

1. The background of this proceeding is accurately set forth in Paragraphs 15–31 of the Joint Petition and is incorporated herein by reference. As noted therein, this matter involves a failure that occurred on consumer-owned piping delivering gas to a residential homeowner pursuant to the terms of what is more commonly known as a “free gas” or “farm tap” agreement, which was also a gas production lease. Mifflin Energy became a party to that agreement upon acquiring certain production wells in July 2005. As originally executed in May 1982, the agreement (the “Lease Agreement”) authorized the homeowner to use a certain amount of the gas produced from the well for domestic purposes, so long as the homeowner took all of the steps necessary to establish a connection with the production pipeline that carried the gas from the well. The Lease Agreement expressly stated that the homeowner assumed all liability under the free gas provision, and that Mifflin Energy’s only obligation with respect to the consumer-owned piping was to install and maintain a meter for purposes of measuring the amount of gas consumed.

2. In March 2020, the homeowner exercised their right under the Lease Agreement to relocate the regulator on the consumer-owned piping to a point closer to their residence. The homeowner also relocated the meter as part of that project with Mifflin Energy’s acquiescence. Approximately three weeks later, the consumer-owned piping failed at a point between the connection to Mifflin Energy’s production pipeline and the relocated regulator and meter set, causing an explosion that damaged an adjacent home and injured a resident. Other than agreeing to the meter relocation, Mifflin Energy had no involvement in any of the events leading up to the Incident.

3. Mifflin Energy understands the nature of the allegations I&E would have asserted under Act 127 in a formal complaint if one had been filed with the Commission in connection with the Incident and will describe in this Statement both the reasons why the Settlement should be approved consistent with the Commission’s regulations and the legal and factual defense Mifflin Energy would have presented had this matter gone to litigation. While the Settlement is in the public interest and should be approved without modification, Mifflin Energy does not acknowledge liability with respect to the allegations I&E has raised. However, to resolve I&E’s informal investigation of the Incident without the additional cost and uncertainty of litigation, Mifflin Energy has agreed to pay a significant penalty in the amount of \$100,000.

II. Mifflin Energy’s Defense of I&E’s Allegations

4. Had this matter been litigated before the Commission, Mifflin Energy would have proffered the following

evidence and legal arguments to demonstrate that Mifflin Energy did not commit any of the violations alleged by I&E.

5. Mifflin Energy was not legally responsible for installing or maintaining the portion of the consumer-owned piping that failed during the Incident. The consumer-owned piping originated at a tap on a Mifflin Energy production facility, ran past the residence at 134 Water Dam Road (the “Beyer Residence”), and terminated at the residence at 169 Water Dam Road (the “Churney Residence”), Waynesburg, Greene County, Pennsylvania. Pursuant to the terms of the Lease Agreement, the homeowner had the sole and exclusive responsibility for installing and maintaining this piping in its entirety, except for the meter used to measure the amount of gas consumed. Mifflin Energy had no other rights or responsibilities with respect to that piping under the Lease Agreement. This is consistent with prevailing Pennsylvania law. See *Adams v. Public Utility Commission*, 819 A.2d 631 (2003); *Leslie P. Midla v. Equitable Gas Company*, 2007 WL 7233729 (2007) (holding that free gas or farm tap agreements create private contractual rights between the parties); see also *T.W. Phillips Gas and Oil Co. v. Jedlicka*, 615 Pa. 199, 208 (2012) (holding that an oil and gas “lease is in the nature of a contract and is controlled by principles of contract law”); *Zettlemoyer v. Transcontinental Gas Pipeline Corp.*, 540 Pa. 337, 334 (1995) (“It is well established that the same rules of construction that apply to contracts are applicable in the construction of easement grants.”).

6. Mifflin Energy did not initiate or otherwise participate in any of the work that preceded the Incident. Under the express terms of the Lease Agreement, the homeowner was responsible for installing and maintaining the regulator that controls the gas pressure in the consumer-owned pipeline involved in the Incident. The homeowner of the Churney Residence decided to relocate the regulator and meter, using its own contractor and at its expense, away from the tap on Mifflin Energy’s production line to a location closer to its home. Attached as Appendix 1 to this Statement is a map showing the consumer-owned piping, the Beyer Residence and the Churney Residence in the area where the Incident occurred. Mifflin Energy was not involved in the work itself and did nothing more than agree to the homeowner’s request to relocate the meter. The Incident occurred approximately three weeks later, causing damage to the Beyer Residence and injuries to a resident.

7. Mifflin Energy acted promptly in responding to the Incident. After the Incident occurred, Mifflin Energy was on the site of the Incident daily for weeks and worked with the Pennsylvania Department of Environment Protection (“DEP”) to map the source of the gas and conduct soil sampling. Mifflin Energy also submitted a report on the Incident to the DEP.

8. Mifflin Energy cooperated fully with I&E during all phases of its investigation. On August 13, 2020, I&E notified Mifflin Energy that it had opened an investigation of the Incident and served data requests on Mifflin Energy. Mifflin Energy filed complete responses to all data requests on September 2, 2020. Mifflin Energy also attended a meeting with Commission gas safety representatives at the site of the Incident on November 20, 2020, and assisted with the marking of the production line and taps that connected to the customer-owned pipelines leading to the Beyer Residence and the Churney Resi-

dence.⁵¹ In response to periodic inquiries on the status of I&E's investigation, Mifflin Energy was advised that the informal investigation was ongoing. On February 23, 2023, I&E reported the results of its investigation to Mifflin Energy. Settlement discussions ensued, which formed the basis of a Joint Petition for Settlement.

9. Mifflin Energy's view is that it was not subject to the Commission's jurisdiction under Act 127 at the time of the Incident. Act 127 only authorizes the Commission to apply the Pipeline and Hazardous Materials Safety Administration's ("PHMSA")⁵² federal pipeline safety standards in 49 CFR Part 192 to certain intrastate gas pipeline facilities, 58 P.S. §§ 801.103, 801.501. PHMSA's federal pipeline safety standards in Part 192 do not apply to facilities that are used in the production of natural gas, see 49 U.S.C. § 60101(21)(A); 49 CFR §§ 192.8 and 192.9; see also PHMSA Letter of Interpretation to Mr. Edward M. Steele, Public Utilities Comm'n of Ohio, PI-92-010 (Mar. 12, 1992) ("Part 192 does not apply to production facilities"); PHMSA Letter of Interpretation to Mr. Lance Fellhoalter, Engineering Technician, OXY USA, Inc. PI-93-060 (Oct. 8, 1993) ("The regulations in Parts 40, 191, 192, and 199 apply to pipeline facilities used in the transportation of gas beginning at the end of the production process."), and Act 127 prohibits the Commission from applying any state safety regulations that are inconsistent with or greater or more stringent than the Part 192 requirements. 58 P.S. § 801.501(a). Mifflin Energy only ever used the wells and pipelines at issue in the case to engage in the production of natural gas. Therefore, the Commission cannot exercise jurisdiction over Mifflin Energy under Act 127.

10. In Mifflin Energy's view, the portion of the consumer-piping that failed during the Incident is not subject to the Commission's jurisdiction under Act 127 either. PHMSA has long recognized that persons who receive gas for their own consumption are not engaged in transportation of gas or owners or operators of jurisdictional gas pipeline facilities under the Pipeline Safety Act or Part 192. PHMSA established that principle more than 25 years ago in a 1996 letter of interpretation, stating that a farmer who receives gas for use in operating a farm, a school that receives gas for use in operating a cafeteria and cooking equipment, and a community association that receives gas for use in running street and entrance lighting service were not jurisdictional gas pipeline operators under Part 192, PHMSA Letter of Interpretation to Mr. Massoud Tahamtani, Virginia State Corp. Comm'n, PI-96-002 (Feb. 13, 1996). PHMSA affirmed this principle more recently in a 2018 letter of interpretation, noting that a customer who receives gas in a farm tap configuration is "not engaged in the transportation of gas", PHMSA Letter of Interpretation to Mr. Michael J. Schmitt, Kentucky Public Service Comm'n, PI-18-0019 (Nov. 5, 2018). PHMSA also acknowledged in both interpretations that Part 192 does not apply to any piping or appurtenances owned by the customer who receives gas for their own consumption, PHMSA Letter of Interpretation to Mr. Massoud Tahamtani, Virginia State Corp. Comm'n, PI-96-002 (Feb. 13, 1996); PHMSA Letter of Interpretation to Mr. Michael J. Schmitt, Kentucky Public Service Comm'n, PI-18-0019 (Nov. 5, 2018). As in these

prior cases, the consumer was solely responsible for installing and maintaining the portion of the piping that failed during the Incident pursuant to the express terms of the free gas clause in the Lease Agreement. Mifflin Energy believes the Commission could not apply Part 192 to either the consumer or the consumer-owned and-operated portion of the piping, or exercise jurisdiction over the same under Act 127, at the time of the Incident.

11. Mifflin Energy's position is that I&E's allegations that Mifflin Energy violated Act 127 rest on an erroneous interpretation that PHMSA issued following the Incident. In January 2021, without prior notice to Mifflin Energy, I&E submitted a request to PHMSA for an interpretation on the jurisdictional status of the consumer-owned piping that failed during the Incident, i.e., "whether the portion of consumer-owned line that experienced the leak was subject to the definition of 'service line' set forth in 49 CFR § 192.3 at the time of the incident and whether the producer was responsible for this portion of the line." In September 2021, without prior notice to Mifflin Energy, PHMSA issued a letter interpretation advising I&E that the portion of the piping extending from the tap to the relocated meter was a service line under the definition provided in 49 CFR § 192.3, even though the consumer owned and assumed legal responsibility for that piping under the terms of the Lease Agreement; that the Lease Agreement had no impact on the determination as to whether that piping was part of a service line under 49 CFR § 192.3, even though the customer owned and assumed legal responsibility for that piping under the express terms of the free gas clause in the Lease Agreement; and Mifflin Energy was an operator under Part 192 solely because of its ownership of the meter that the customer relocated closer to the Churney Residence, even though the consumer had the sole and exclusive obligation under the Lease Agreement to establish the piping connection necessary to receive the free gas and to install and maintain the regulator.

12. In response to being informed by I&E at the end of its investigation that it had obtained an interpretation from PHMSA regarding Mifflin Energy's liability, Mifflin Energy filed a petition pursuant to 49 U.S.C. § 60117(b)(1)(J) asking PHMSA to issue a declaratory order affirming the non-jurisdictional status of the consumer-owned piping that failed during the Incident and rescinding the erroneous September 2021 interpretation. Specifically, Mifflin Energy has asked PHMSA to declare that (1) customer piping is not subject to the safety standards in Part 192, and (2) that the owner or operator of a non-jurisdictional production or gathering line that delivers gas directly to customer piping pursuant to a free gas or farm tap agreement is not responsible for ensuring that the customer's piping complies with Part 192. Mifflin Energy also asked PHMSA to rescind its September 2021 letter of interpretation as contrary to longstanding precedent and well-established law, including the customer notification requirements in 49 CFR § 192.16. Indeed, as Mifflin Energy explained in its petition, PHMSA acknowledged in promulgating the customer notification requirements in 49 CFR § 192.16 that "regardless of length, customer piping downstream from an operator's service line is not subject to the maintenance standards of Part 192."⁵³ PHMSA also acknowledged throughout the rulemaking process that "the Federal gas pipeline safety standards do not require gas pipeline operators to maintain customer-owned services

⁵¹ The well, production line and taps associated with the Incident were all in place at the time Mifflin Energy first obtained these facilities in July 2005.

⁵² PHMSA is a United States Department of Transportation agency that was created under the Norman Y. Mineta Research and Special Programs Improvement Act (P.L. 108-426) of 2004. PHMSA develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6-million-mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air. PHMSA comprises two safety offices, the Office of Pipeline Safety and the Office of Hazardous Materials Safety. PHMSA is located in five regions across the country and headquartered in Washington, DC.

⁵³ Customer-Owned Service Lines, 60 Fed. Reg. 41,821, 41,821 (Aug. 14, 1995).

lines,]⁵⁴ and that the customer notification requirement in 49 CFR § 192.16 “do[es] not require operators to take over the maintenance of these lines.”⁵⁵ PHMSA recently notified Mifflin Energy that its petition for a declaratory order has been accepted by the agency and will be made available for public comment prior to disposition.

13. Pennsylvania jurisdictional utilities have raised concerns similar to Mifflin Energy’s concerns about being made responsible for maintaining customer-owned service lines. Under Section 1510 of the Public Utility Code, 66 Pa.C.S. § 1510, maintenance of state jurisdictional consumer service lines is the responsibility of the service line owner (“[m]aintenance of service lines shall be the responsibility of the owner of the service line.”). In a 2020 Tentative Implementation Order at Docket No. L-2020-301917 (“Tentative Implementation Order”), the Commission requested comments on a proposal to make utilities responsible for repair and maintenance of customer-owned service lines located between the utility’s Commission-jurisdictional gas distribution line and the utility meter, citing 49 CFR § 192.3.

14. Among the comments filed to the Tentative Implementation Order were several submitted by the Energy Association of Pennsylvania (“EAP”) and Columbia Gas (“Columbia”), a natural gas distribution company.⁵⁶ The EAP noted that “federal regulations do address circumstances where the customer owns and maintains a portion of the service line” and that the federal regulations at 49 CFR § 192.16 “require an operator to provide notice to the customer if that operator does not maintain the customer’s buried piping and to provide notice that if the customer’s buried piping is not maintained, it may be subject to potential hazards of corrosion and leakage.”⁵⁷ The EAP further stated that the notice requirement of § 192.16 of the federal regulations contradicts making the “operator” responsible for maintenance and repair of the service line between the utility main and the outlet of the meter.⁵⁸ In this case, official notice by Mifflin Energy to Churney that he was responsible to maintain his service line was irrelevant because Churney was fully aware that Mifflin Energy did not maintain the service line.

15. Similarly, Columbia noted in its comments to the Tentative Implementation Order that Part 192 does not require an operator to own service lines and that “[t]here is nothing in section 19.13(c), or any other section of Part 192, that requires an operator to perform or pay for the actual work that is necessary for compliance.”⁵⁹ Columbia also stated that there are several instances in Part 192 where customers are responsible for maintaining service lines where the operator does not maintain customer-owned piping, and that 49 CFR § 192.16 was inconsistent with the Commission’s proposition in the Tentative Implementation Order that the utility/operator be responsible for safety compliance between the main and the meter outlet.⁶⁰

16. Thus, Pennsylvania utilities agree with Mifflin Energy that Part 192 does not make an operator responsible for repair and maintenance of customer-owned piping downstream of the operator’s facilities and up to the consumer’s meter. In Mifflin Energy’s case, this conclu-

sion is particularly apt when the source piping is non-jurisdictional production facilities and the consumer’s lease made it clear that maintenance and repair of the consumer-owned pipe was the consumer’s responsibility.

17. Even if Part 192 and Act 127 applied to the consumer piping that failed during the Incident, Mifflin Energy’s view is that it did not have fair notice of the interpretation of 49 CFR § 192.3 that forms the basis for I&E’s alleged violations. That lack of fair notice is demonstrated by the fact that I&E could not determine the jurisdictional status of the piping involved in the Incident without seeking an interpretation from PHMSA. Mifflin Energy cannot be subject to civil penalties without having fair notice of the interpretation of 49 CFR § 192.3 that forms the basis for I&E’s alleged violations, as well as a due process opportunity to confront the proponent of that interpretation.

18. Finally, Mifflin Energy would show in its defense of I&E’s allegations that, notwithstanding the fact that it had been operating wells since 2005, its career as an alleged Pipeline Operator started in 2020 the day its meter was relocated by the homeowner and ended approximately three weeks later when the consumer-owned service line leaked, caused an explosion and was retired from use. Any alleged responsibility of Mifflin Energy under these circumstances was not a well-established and generally accepted gas safety requirement ignored by Mifflin Energy at the time of the Incident.

III. Reasonableness of the Settlement

19. It is well-established that Commission policy encourages settlements.⁶¹ The public benefits from settlements because they reduce the time and expense the parties must expend in litigating a case while simultaneously conserving important administrative resources. Also, settlements are more predictable than the results likely to be achieved in full litigation. In order to accept a settlement, the Commission must first determine that the proposed penalty is in the public interest.⁶²

20. In *Rosi v. Bell Atlantic Pennsylvania Inc., et al.*, 94 Pa. P.U.C. 103 (Order entered March 16, 2000) (“*Rosi*”), the Commission established standards to be applied in determining whether a particular enforcement outcome is in the public interest. See also, *Pennsylvania Public Utility Commission v. NCIC Operator Services*, M-00001440 (Tentative Order entered December 20, 2000 outlining the “*Rosi* Standards”). These standards have been reviewed by the Joint Petitioners and compared against the proposed outcome in this case. The Settlement Agreement meets the standards outlined by *Rosi* as being in the public interest, as further discussed below.

21. Further, approval of this Settlement Agreement is consistent with the Policy Statement promulgated by the Commission⁶³ establishing the ten *Rosi* factors it may consider in evaluating whether a civil penalty for violating a Commission order, regulation or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. The Policy Statement, by its own language, is only considered a “guide” to the Commission in evaluating these types of matters. Moreover, the Commission has recognized that “the parties in settled cases should be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” The terms of the Settlement Agreement, as well

⁵⁴ Customer-Owned Service Lines, Notice of Proposed Rulemaking, 59 Fed. Reg. 5,168, 5,169 (Feb. 3, 1994).

⁵⁵ *Id.*

⁵⁶ After receiving comments, the Commission has not taken further action on the Tentative Implementation Order.

⁵⁷ Citing 49 CFR § 192.16(b)(1)-(2). Comments of EAP at Docket No. L-2020-3019417, p. 7.

⁵⁸ Comments of EAP at Docket No. L-2020-3019417, p. 7.

⁵⁹ Comments of Columbia Gas at Docket No. L-2020-3019417, p. 5.

⁶⁰ Comments of Columbia Gas at Docket No. L-2020-3019417, p. 6.

⁶¹ See 52 Pa. Code § 5.231.

⁶² *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433, 2012 PUC LEXIS 1377 at *6 (Order approving settlement agreement entered on August 31, 2012).

⁶³ 52 Pa. Code § 69.1201.

as the ten factors the Commission evaluates in reviewing a settlement of an alleged violation, are addressed below.

a. *Whether the conduct at issue was of a serious nature?*—There was no egregious, willful fraud or misrepresentation element of Mifflin Energy's conduct, which suggests that a substantially lower penalty, if any, is appropriate in this case. There was no Mifflin Energy conduct whatsoever, except for acquiescing in the Lessor's plan to relocate the Lessor's own regulator and Mifflin Energy's meter along a pipe that Mifflin Energy had never maintained, did not own and did not have a legal right to access under the Lease. For negligence to be present, Mifflin Energy would have had to know of some duty, defined by clear legal precedent, that relocation of the meter under the circumstances applicable here imposed certain maintenance responsibilities on it, a proposition that had not been articulated to Mifflin Energy until I&E completed its informal investigation.

b. *Whether the resulting consequences of the conduct at issue were of a serious nature?*—While any gas explosion is a serious matter, no fatalities were involved in the Incident, all damage claims have been resolved, and there are no longer any ongoing investigations related to damages, persons or property. Mifflin Energy has fully cooperated with all investigations of the Incident. Further, it is Mifflin Energy's position that there were no consequences of its actions. The only consequences that occurred were as a result of the Lessor moving its own regulator on its own service line.

c. *Whether the conduct at issue was deemed intentional or negligent?*—This factor is only considered in evaluating litigated cases.

d. *Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future?*—At no time in its entire history of operating has Mifflin Energy ever been a regulated entity. In fact, until I&E completed its informal investigation and shared its conclusions, Mifflin Energy had no expectation it could even be considered a regulated entity. Mifflin Energy no longer owns facilities producing or transporting gas and there are no customers extant whose service would be prospectively affected.

e. *The number of customers affected and the duration of the violation*—First, it is Mifflin Energy's position that there were no violations, and that the Incident was caused by the Lessor's actions and the Lessor's failure to maintain its own consumer-owned line. Further, the Incident occurred only days after Mifflin Energy's meter was relocated by the Lessor. A small number of gas users was affected and fortunately no fatalities arose from the Incident.

f. *The compliance history of the regulated entity which committed the violation*—As noted above, it is Mifflin Energy's view that it has committed no violations of any law or regulation and at worst was arguably a regulated entity for a matter of days as to a single gas meter. Further, Mifflin Energy never sought or accepted status as an operator of any pipeline facilities under federal or state law. There is no negative compliance history for Mifflin Energy.

g. *Whether the regulated entity cooperated with the PaPUC*—Mifflin Energy timely provided I&E answers to its questions in the informal investigation almost three years ago. No further contact, questions or discussions were forthcoming from I&E until I&E provided to Mifflin Energy a letter in early 2023 communicating the results of I&E's investigation of the Incident. Prior to that time,

in response to Mifflin Energy's periodic inquiries for a status of the investigation, I&E only advised the investigation was ongoing. Mifflin Energy's cooperation with the investigation was full and complete.

h. *The amount of penalty necessary to deter future violations*—Even assuming a violation occurred (which Mifflin Energy disputes, as noted above), there is no issue of future violations by Mifflin Energy given the sale of its assets. No deterrent is necessary for Mifflin Energy and therefore no amount is necessary "to deter future violations."

i. *Past PaPUC decisions in similar situations*—Mifflin Energy is unaware of similar prior investigations where the analysis supporting violations was a new analysis, not within the knowledge or ability of the alleged violator to address in advance, and not fully consistent with prior interpretations of existing law and regulations. In other cases where I&E has sought a penalty from an alleged violator of pipeline safety regulations in the range sought in this matter, the party was well aware of its status as a utility operator and had reason to be fully conversant with PHMSA and Commission gas safety requirements, unlike Mifflin Energy.

j. *Other relevant factors*—Mifflin Energy has not ignored well-established and clear gas safety requirements and contends that any safety requirements applicable to the consumer-owned piping was the duty of the homeowner, not Mifflin Energy. Mifflin Energy acted at all times consistent with its private contractual obligations. All damage issues have already been amicably resolved by the affected parties.

22. Based on the above analysis, the Settlement Agreement is consistent with the Commission's ten-factor Policy Statement, has been designed to provide a thorough and appropriate response to I&E's informal investigation, and is therefore in the public interest. The Company has endeavored to work with I&E to prepare reasonable settlement terms. The Settlement Agreement is intended to address all concerns raised during the informal investigation. In addition, the Settlement Agreement will eliminate the possibility of further Commission litigation and appeals, along with their attendant costs.

IV. *Conclusion*

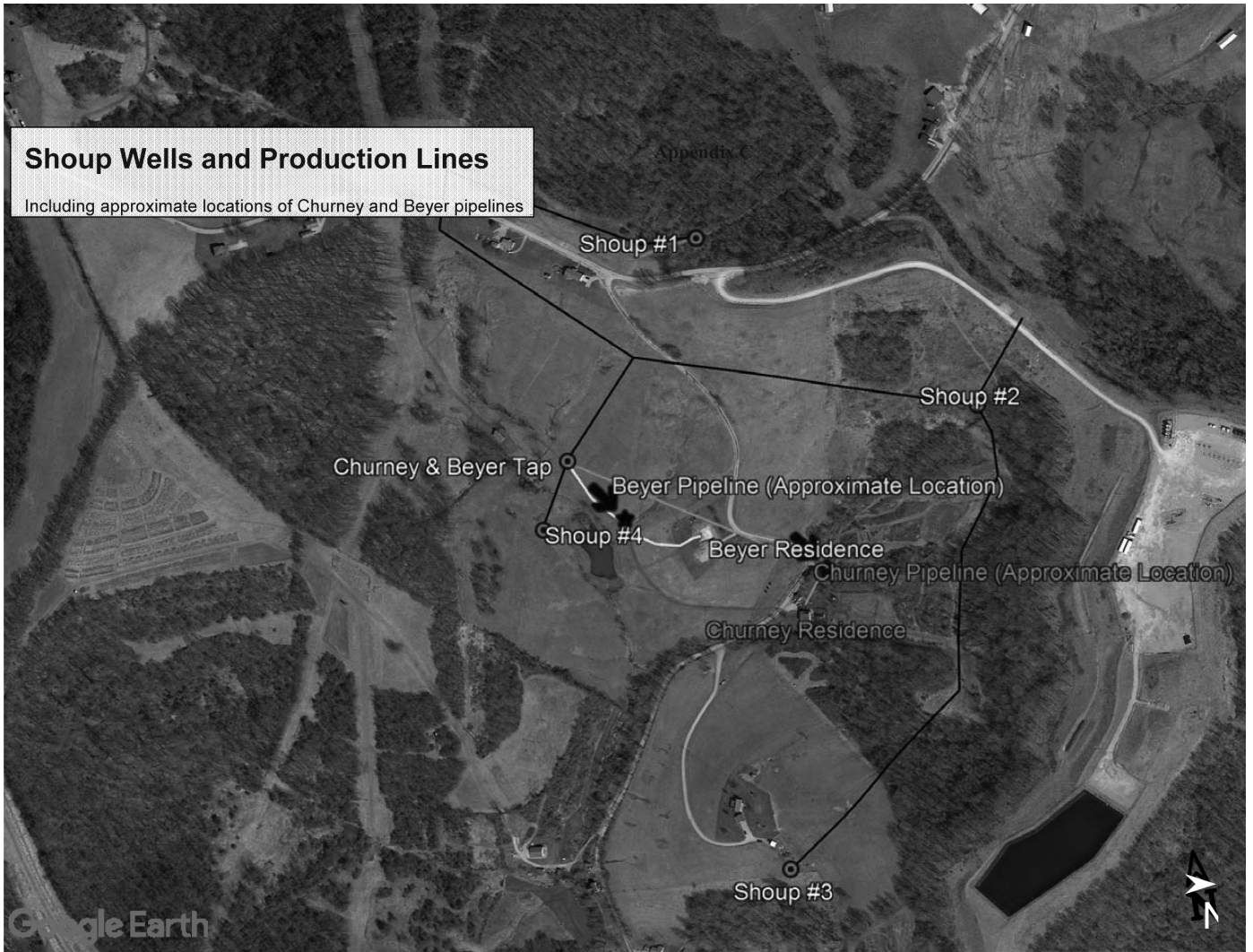
Mifflin Energy and I&E have worked diligently and cooperatively to reach a reasonable and comprehensive settlement of all issues raised by I&E's informal investigation that is in the public interest. The Settlement Agreement penalty should be expressly found to satisfy the ten factors in the Commission's Policy Statement at 52 Pa. Code § 69.120(c) as being in the public interest. Mifflin Energy supports the Settlement Agreement and respectfully requests that the Commission approve it in its entirety without modification.

Respectfully submitted,
BUCHANAN INGERSOLL &
ROONEY PC

By:

John F. Povilaitis (PA ID No. 28944)
Alan M. Seltzer (PA ID No. 27890)
409 North Second Street
Suite # 500 Harrisburg,
PA 17101-1357
Tel: (717) 237-4800
john.povilaitis@bipc.com
alan.seltzer@bipc.com
Counsel for Mifflin Energy Corp.

Dated: June 26, 2023



VERIFICATION

I, Robert Clay, an owner and employee of Mifflin Energy Corp., hereby verifies that the information in the foregoing Mifflin Energy Corp. Statement in Support of Full Settlement of Informal Investigation, is true and correct to the best of my information, knowledge and belief I understand that these statements are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to the unsworn falsification to authorities.

Dated: June 26, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement's Investigation of the April 9, 2020 Incident at 134 Water Dam Road, Waynesburg, Greene County, PA (Mifflin Energy Corp.)	: : : :	Docket No. M-2023-3019782
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail

John F. Povilaitis
 Alan M. Seltzer
 Buchanan Ingersoll Rooney
 409 North Second Street
 Suite 500
 Harrisburg, PA 17101
 john.povilaitis@bipc.com
 Counsel for Mifflin Energy Corp.

Michael L. Swindler
 Deputy Chief Prosecutor
 Bureau of Investigation and Enforcement
 PA Attorney ID No. 43319
 (717) 783-6369
 mswindler@pa.gov

Date: June 26, 2023

**STATEMENT OF CHAIRPERSON
 STEPHEN M. DeFRANK**

Before joining my staff as legal counsel, Stephanie Wimer was employed in the Commission's Bureau of Investigation and Enforcement and worked on this investigation. Please note that she has not advised me in this matter.

Date: September 21, 2023

STEPHEN M. DeFRANK,
Chairperson

**STATEMENT OF CHAIRPERSON
 STEPHEN M. DeFRANK**

Today, the Commission votes to publish in the *Pennsylvania Bulletin* the proposed settlement entered into between the Commission's Bureau of Investigation and Enforcement (I&E) and Mifflin Energy Corp. (Mifflin Energy) involving a natural gas explosion that occurred on April 9, 2020 in Waynesburg, Green County. The incident resulted in the destruction of one residence and the owner of that residence sustaining second degree burns. Fortunately, there were no fatalities as a result of the explosion. The Commission's action today sets a deadline of 25-days from publication in the *Pennsylvania Bulletin* for interested parties to file comments concerning the proposed settlement.

As discussed in the Opinion and Order, since I&E's investigation into the incident was initiated nearly three years ago, Mifflin Energy's operating assets have been sold to a new owner, Mifflin Energy Resources, LLC (Mifflin Energy Resources). Despite the similar name, Mifflin Energy and Mifflin Energy Resources have no affiliation or relationship. Furthermore, the terms of the settlement note, among other things, that "Since Mifflin Energy has sold its operational assets to a new owner that has no affiliation with Mifflin Energy, the parties agree that the remedial measures that would otherwise be sought and potentially imposed upon Mifflin Energy, are no longer applicable to Mifflin Energy, as the sale of these assets relinquishes Mifflin Energy from falling within the definition of a pipeline operator and accordingly Act 127's pipeline operator requirements are no

longer applicable to Mifflin Energy."⁶⁴ Regardless, however, of who is the current owner of the facilities involved in this incident, the Commission is still obligated to ensure that all necessary remedial measures are taken to ensure that an incident like this never happens again.⁶⁵

A better understanding of this issue of who is responsible for any remedial measures is necessary before determining whether the proposed settlement is in the public interest and should be approved. This is particularly true given the potential devastation associated with every natural gas explosion. We are fortunate that this incident did not cause any fatalities. However, we must ensure that we are doing everything possible to prevent such incidents from ever occurring, regardless of who is the current owner of specific facilities. Therefore, I invite any interested party to submit comments on this issue.

September 21, 2023
 Date

STEPHEN M. DeFRANK,
Chairperson

**STATEMENT OF VICE CHAIR
 KIMBERLY BARROW**

On April 9, 2020, a natural gas explosion occurred in Waynesburg, Greene County Pennsylvania. A service line running directly from a natural gas well to a residential customer failed, a so-called "farm tap." Mifflin Energy, the owner of the well and the natural gas extracted from it, now enters into a settlement to pay a civil penalty in the amount of one hundred thousand dollars. Mifflin Energy no longer owns the facilities, as they have been sold to Mifflin Energy Resources, a company that the Petition states is unaffiliated with Mifflin Energy. Today we publish the Joint Settlement in the *Pennsylvania Bulletin* for comment.

Whoever owns the facilities in this case, the Commission is still obligated to ensure the facilities are safely managed. I would expand that our Bureau of Investiga-

⁶⁴ See, Order at 8, quoting paragraph 4.c of the Settlement. Similarly, paragraph 4.e of the settlement states that "I&E acknowledges and confirms that Mifflin Energy, given its prior sale of its physical assets and its participation in this Settlement Agreement with respect to the Incident, has no prospective obligations as a pipeline operator under state or federal law with respect to any pipeline or related facilities involved in the incident."

⁶⁵ It is also noted that the issue of whether this matter even falls within the Commission's jurisdiction is still pending before the Pipeline and Hazardous Materials Safety Administration (PHMSA). See, Order at 6.

tion and Enforcement has concluded that farm tap facilities, that are designed like the facilities here, are subject to the Commission's authority to enforce federal regulations. The Bureau of Investigation and Enforcement relied on a Letter of Interpretation from PHMSA in making this conclusion. Not only must the facilities at issue be reviewed to ensure safe service, but the new owners should also conduct a comprehensive review of their facilities to prevent further dangerous conditions. All operators with farm taps must ensure that the facilities which are their responsibility are well-maintained. When modifications are made to farm taps, as happened here, facility owners must reevaluate whether the modifications were installed safely. I ask all natural gas drillers in Pennsylvania who are supplying gas to landowners via farm taps to use this incident as a prompt to review the design and operational safety of their own farm taps.

September 21, 2023
Date

KIMBERLY BARROW,
Vice Chairperson

[Pa.B. Doc. No. 23-1391. Filed for public inspection October 6, 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 23, 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 23, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2023-3041511. A&K Luxury Car Service, LLC (7415 Alma Street, Philadelphia, PA 19111) in limousine service, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3043179. H & M Limo, LLC (19 Liberte Lane, Chester Brook, Chester County, PA 19087) persons in

group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Bucks, Chester, Delaware and Montgomery Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1392. Filed for public inspection October 6, 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 23 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. Courierstat365, LLC; Doc. No. C-2023-3035065

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 Courierstate365, LLC, Respondent, maintains a mailing address of 20734 Route 19, Cranberry Township, PA 16066.
2. On On August 24, 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. 8925307 at A-2022-3033010.
3. On January 4, 2023, through January 10, 2023, and again on May 15 and June 5, 2023, PUC Enforcement Officer Andrew Rosenberger attempted phone contact with voicemails recorded. A certified letter was sent on January 23, 2023, to the mailing address of the Respondent requesting contact with Officer Rosenberger within 10 days. The certified letter was unclaimed and returned to the Western Regional Office on February 9, 2023. No response has been received to any attempted contact.
4. 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. § 501.

The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925307.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to Courierstat365, LLC, at PUC utility code number 8925307.

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. 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. R & M Truck Transportation, LLC; Doc. No. C-2023-3038914

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 R & M Truck Transportation, LLC, Respondent, maintains a mailing address of 577 West Maple Street, Hazleton, PA 18201.

2. On March 10, 2023, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925846 at A-2023-3037519.

3. On March 27, 2023, through April 26, 2023, and again on June 23 and July 24, 2023, PUC Enforcement Officer Neal Ebbert attempted to contact, and a letter was sent on July 25, 2023, to the mailing address of the Respondent requesting contact with Officer Ebbert. No response has been received.

4. 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 8925846.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to R & M Truck Transportation, LLC, at PUC utility code number 8925846.

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. 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. 23-1393. Filed for public inspection October 6, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Merger and Water Service

A-2023-3043194 and A-2023-3043196. Pennsylvania-American Water Company and Audubon Water Company. In the matter of the joint application of Pennsylvania-American Water Company and Audubon Water Company, under 66 Pa.C.S. § 1102 (relating to enumeration of acts requiring certificate), for approval of: (1) the transfer to American Water Works Company, Inc., by merger, of all property of Audubon Water Company used and useful in the public service; (2) the transfer to Pennsylvania-American Water Company, by merger, of all property of Audubon Water Company used or useful in the public service; (3) the right of Pennsylvania-American Water Company to begin to offer, render, furnish and supply water service to the public in portions of Lower Providence Township, Montgomery County; and (4) the abandonment by Audubon Water Company of all water service.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 23, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicants: Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055; Audubon Water Company

Through and By Counsel for: Erin K. Fure, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, erin.fure@amwater.com, Counsel for Pennsylvania-American; Kathy L. Papa, Esquire, Saxton & Stump, LLC, Suite 1200A, Harrisburg, PA 17101, klp@saxtonstump.com, Counsel for Audubon

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1394. Filed for public inspection October 6, 2023, 9:00 a.m.]

STATE BOARD OF EDUCATION

Petition of the Springfield School District to Withdraw as a Member of the Local Sponsor of Delaware County Community College

Notice of Application and Opportunity for Hearing

On July 26, 2023, the State Board of Education (Board) received a petition from the Springfield School District (Springfield) seeking to withdraw as a member of the

local sponsor of the Delaware County Community College. Under 22 Pa. Code § 1.5 (relating to applicability of general rules before the Board), the application for transfer will be considered by the Board in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

At its public meeting on September 13, 2023, the Board adopted a motion establishing that it will designate a presiding officer under the provisions of 1 Pa. Code § 35.185 (relating to designation of presiding officers) and 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers), to hold such hearings and resolve such procedural motions as may be necessary to develop and submit to the Board a proposed report under 1 Pa. Code § 35.202 (relating to proceedings in which proposed reports are prepared) to rule on Springfield's petition.

Unless a written petition to intervene, notice of intervention or protest, along with a written request for public hearing, is received by the Board no later than 4 p.m. on November 8, 2023, the Board may determine the application for transfer without hearing. Filings must be received by the deadline at the State Board of Education, 333 Market Street, 1st Floor, Harrisburg, PA 17126-0333.

A copy of the petition filed by Springfield is available from the office of the Board and can be viewed at <https://www.stateboard.education.pa.gov/Documents/Current%20Initiatives/Applications%20and%20Petitions/Petition%20to%20Withdraw%20-%20Springfield%20SD.pdf>.

The Board may be reached at (717) 787-3787.

KAREN MOLCHANOW,
Executive Director

[Pa.B. Doc. No. 23-1395. Filed for public inspection October 6, 2023, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September Meeting

As part of its regular business meeting held on September 14, 2023, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects and took additional actions, as set forth in the Supplementary Information as follows.

The business meeting was held on September 14, 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. Also see the Commission web site at www.srbc.gov.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the following listings, the following items were also acted upon at the business meeting: (1) adoption of the budget for Fiscal Year (FY) 2025; (2) adoption of member allocations for FY 2025; (3) approval of three grant agreements and one grant amendment; (4) adoption of a resolution on climate change; (5) adoption of a resolution regarding Artesian Water Maryland, Inc.; and (6) acceptance of a compliance settlement agreement.

Project Applications Approved:

1. Project Sponsor and Facility: Bent Creek Country Club, Manheim Township, Lancaster County, PA. Applications for renewal of groundwater withdrawal of up to 0.464 mgd (30-day average) from Well 1 (600 Foot Well) and consumptive use of up to 0.464 mgd (peak day) (Docket No. 19920704).

2. Project Sponsor and Facility: B.K.V. Operating, LLC (East Branch Wyalusing Creek), Jessup Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180902).

3. Project Sponsor and Facility: Coterra Energy, Inc. (Tunkhannock Creek), Nicholson Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20180903).

4. Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.460 mgd (30-day average) from Well 7 (Docket No. 20070907).

5. Project Sponsor and Facility: Eagle Lake Community Association, Covington Township, Lackawanna County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.233 mgd from Well 1, 0.315 mgd from Well 2 and 0.104 mgd from Well 3.

6. Project Sponsor and Facility: East Berlin Area Joint Authority, Hamilton Township, Adams County, PA. Application for renewal of groundwater withdrawal of up to 0.130 mgd (30-day average) from Well 6 (Docket No. 20080950).

7. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.201 mgd (30-day average) from Well 14 (Docket No. 19981202).

8. Project Sponsor and Facility: EQT ARO, LLC (Pine Creek), McHenry Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20180901).

9. Project Sponsor and Facility: Indian Hills Golf and Tennis Club, Shamokin Township, Northumberland County, PA. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 19980504).

10. Project Sponsor and Facility: Inflection Energy (PA), LLC (Loyalsock Creek), Upper Fairfield Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.700 mgd (peak day) (Docket No. 20221214).

11. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, PA. Modification to increase groundwater withdrawal (30-day average) from Well 3 by an additional 0.098 mgd for a total groundwater withdrawal of up to 0.318 mgd and increase the total system withdrawal limit (30-day average) from 0.492 mgd to 0.730 mgd from Wells 1, 3 and 4 (Docket No. 20210304).

12. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Terry Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20180909).

13. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wappasening Creek), Windham Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180910).

14. Project Sponsor and Facility: Seneca Resources Company, LLC (Crooked Creek), Middlebury Township, Tioga County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

15. Project Sponsor: South Slope Development Corporation. Project Facility: Song Mountain Ski Resort, Town of Preble, Cortland County, NY. Applications for renewal of surface water withdrawal of up to 0.999 mgd (30-day average) from an unnamed tributary to Crooked Lake, consumptive use of up to 0.249 mgd (30-day average) and groundwater withdrawal of up to 0.960 mgd (30-day average) from Well MW-3 (Docket No. 20070901).

16. Project Sponsor and Facility: S.T.L. Resources, LLC (Pine Creek), Pike Township, Potter County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

17. Project Sponsor: T & C Mobile Home & Construction Services, LLC. Project Facility: Glezen Mine, Town of Lisle, Broome County, NY. Application for consumptive use of up to 0.099 mgd (30-day average).

18. Project Sponsor and Facility: Village of Hamilton, Town of Hamilton, Madison County, NY. Applications for renewal of groundwater withdrawals (30-day averages) of up to 1.730 mgd from Payne Brook Well 1 and 1.500 mgd from Payne Brook Well 2 (Docket Nos. 19871101 and 19970706).

19. Project Sponsor and Facility: Village of Sidney, Town of Sidney, Delaware County, NY. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2-88.

Projects Tabled:

1. Project Sponsor: Borough of Middletown. Project Facility: Middletown Water System, Middletown Borough, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 1.070 mgd (30-day average) from Well 6 (Docket No. 19970702).

2. Project Sponsor: Lucky Bear, LLC. Project Facility: Liberty Forge Golf Course (Yellow Breeches Creek), Lower and Upper Allen Townships, Cumberland County, PA. Applications for renewal of surface water withdrawal of up to 0.432 mgd (peak day) and consumptive use of up to 0.375 mgd (peak day) (Docket No. 19980906).

3. Project Sponsor and Facility: Nicholas Meat, LLC, Greene Township, Clinton County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.288 mgd from Well WS-1, 0.173 mgd from Well WS-3 and 0.144 mgd from Well WS-4.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 21, 2023

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 23-1396. Filed for public inspection October 6, 2023, 9:00 a.m.]