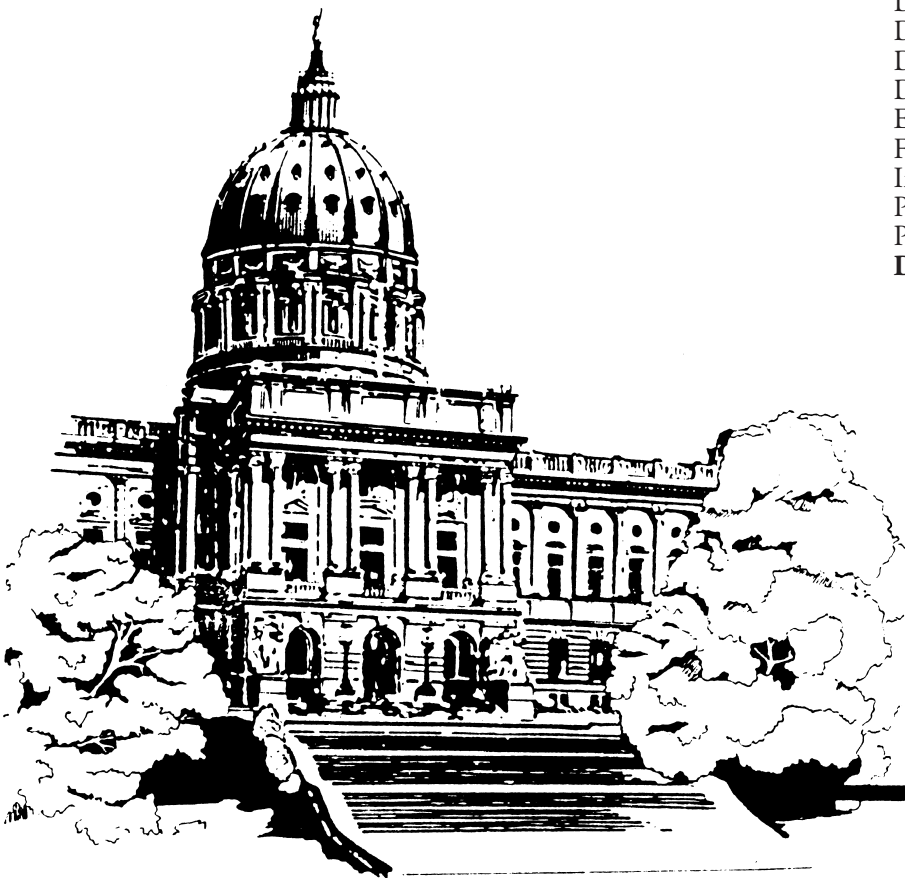


PENNSYLVANIA BULLETIN

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No. 589, December 2023

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CHS. 6 AND 7]

[EXECUTIVE ORDER NO. 2023-21]

Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission

November 2, 2023

Whereas, the Commonwealth is committed to bipartisan criminal justice reforms that are fair and inclusive and support public safety; and

Whereas, in order to move forward successfully as a Commonwealth, systemic failings that have created inequities must be addressed; and

Whereas, the Commonwealth must take action to improve law enforcement relations with the community and to strengthen accountability of law enforcement personnel; and

Whereas, improved law enforcement requires supporting the mental health and training needs of law enforcement personnel; and

Whereas, the Commonwealth is committed to identifying necessary system-level reforms to promote transparency, fairness, and accountability among the Commonwealth's state law enforcement agencies; and

Whereas, citizen engagement and participation are essential to assist the Commonwealth in fulfilling these commitments; and

Whereas, with input from the Pennsylvania Citizen Law Enforcement Advisory and Review Commission, the Commonwealth's law enforcement agencies can serve as a model of excellence for law enforcement throughout Pennsylvania and the country.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, within the Office of State Inspector General (OSIG), and rename it as the Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission (hereafter referred to as the "Commission") and, further, order and direct as follows:



Governor

Fiscal Note: GOV-2023-21. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter XXX. PENNSYLVANIA CITIZEN LAW ENFORCEMENT ADVISORY AND REVIEW (CLEAR) COMMISSION

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6.942.	Applicability.
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6.944.	Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission.
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§ 6.941. Purpose.

The purpose of the Commission is to assist law enforcement agencies under the Governor's jurisdiction with improving their policing practices. The Commission is comprised of Commonwealth citizens focused on promoting transparency, fairness and accountability among the Commonwealth's State law enforcement agencies by reviewing events, policies, practices and procedures.

§ 6.942. Applicability.

This subchapter applies to law enforcement agencies under the Governor's jurisdiction, including, but not limited to, all of the following:

- (1) The Pennsylvania State Police.
- (2) The Department of General Service's Capitol Police.
- (3) The Department of Corrections' Law Enforcement sub-units.
- (4) The Department of Conservation and Natural Resources' park rangers.
- (5) OSIG's Bureau of Fraud Prevention and Prosecution.
- (6) The Department of Agriculture's Bureau of Dog Law Enforcement.

§ 6.943. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Administrative adjudication—The completion of any internal investigation, with an administrative finding of "sustained," "not-sustained" or "unfounded" or the agency equivalent thereof, where all disciplinary penalties have been imposed and all contractual remedies, including grievance and arbitration proceedings, have been exhausted.

Bias-based policing—The unreasonable use of race, ethnicity, National origin, gender or religion by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, ethnicity, national origin, gender or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

CHRIA—Chapter 91 of 18 Pa.C.S. (relating to criminal history record information), referred to as the Criminal History Record Information Act.

CHRIA information—Information that cannot be disclosed to non-criminal justice agencies under CHRIA, including but not limited to criminal history record information, intelligence information and investigative information as defined under CHRIA.

CJIS—Criminal justice information services.

CJIS information—Information that is obtained or derived from a CJIS system, including, but not limited to, information from the Interstate Identification Index System, the National Crime Information Center, and the International Justice and Public Safety Information Sharing Network.

Commission—Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission.

Completed internal investigative findings—The final administrative determination by the covered agency that the Commission is authorized to review after a case has been fully investigated and criminally adjudicated and administratively adjudicated, as previously defined, and where no civil litigation has commenced, and where all applicable statutes of limitation

have elapsed or all civil or civil rights litigation has concluded. Where civil action commences during the pendency of a review, the review shall cease until the litigation has concluded.

Criminal adjudication—Either a determination by the applicable prosecutor to decline prosecution or all judicial procedures up to and including sentencing and applicable appeal periods have occurred.

Covered agency—As provided under § 6.942 (relating to applicability).

Injury—As it relates to § 6.954(b) (relating to Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission), those injuries which require advanced medical treatment beyond basic first aid.

LES information—Law enforcement sensitive information—Information that if disclosed could harm, jeopardize or threaten the investigations, operations or other law enforcement or public safety activities of a law enforcement agency as determined by that agency.

Non-public information—Information that is exempt from public disclosure under section 708(b) of the Right-to-Know Law (65 P.S. § 67.708(b)), including, but not limited to, records that would threaten a public safety activity or related to a criminal or internal investigation.

OSIG—Office of State Inspector General.

PII—Personal identifiable information—Information that, when used alone or with other relevant data, can identify an individual. PII may contain direct identifiers, for example, passport information, that can identify a person uniquely or quasi-identifiers, such as race, that can be combined with other quasi-identifiers, such as date of birth, to successfully identify an individual.

Random sampling—A sampling of completed internal investigative findings for lower-level use of force cases chosen by way of random selection of a predetermined number of cases without specific knowledge of the persons involved or incident details.

§ 6.944. Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission.

(a) The Commission is established within OSIG, which shall provide administrative support and assistance to the Commission.

(b) *Authority and responsibilities.*

(1) *Review completed internal investigative findings.* The Commission is authorized to review covered agencies' completed internal investigative findings related to allegations and incidents of use of force and bias-based policing in any of the following categories:

(i) Investigations of police-involved shootings resulting in injury or death of civilians conducted by covered agencies.

(ii) A representative, random sampling of investigations of lower-level uses of force resulting in injury or death, including arrest and control techniques, baton strikes and conducted energy weapon deployments.

(iii) Investigations related to allegations of racial or ethnic discrimination and other bias-based policing or external complaints of bias or discrimination during interactions with covered agencies' law enforcement officers.

(2) *Scope of review.* The Commission shall review the completed internal investigative findings set forth in paragraph (1) to determine all of the following:

(i) Whether the investigations were prompt, fair, impartial, complete and performed in a manner consistent with applicable policies and regulations.

(ii) Whether the findings and discipline were reasonable under applicable law enforcement protocol, including, but not limited to, the covered agency's just cause standard, rules and regulations, collective bargaining agreements, past disciplinary precedent, or grievance and arbitration decisions.

(iii) To the extent the review identifies a perceived policy or training deficiency, the Commission shall provide a recommendation to correct the perceived deficiency for consideration by the covered agency.

(3) *Methodology of review.*

(i) The covered agencies will provide the Commission with a comprehensive written summary and oral presentation of the completed internal investigative findings. The summary shall include a description of all investigative activities, relevant dates, a summary of the facts as determined by the investigation, and criminal and administrative adjudications, excluding all PII, CHRIA information, CJIS information, LES information, non-public information and other information restricted by Federal or State law.

(ii) The Commission's requests for additional supporting documents shall be limited to information directly related to the investigative findings under review by the Commission and shall be redacted of all PII, CHRIA information, CJIS information, LES information, non-public information and other information restricted by Federal or State law.

(4) *Review results and recommendations.* The voting members of the Commission, with administrative assistance from OSIG, shall prepare a report of each review and include recommendations based upon its review, if warranted. Recommendations must be approved by a majority of the voting members of the Commission. The covered agency will review the recommendations and, within 60 days of receiving the report, provide the Commission with a written response including what, if any, recommendations it may implement. Nothing shall prevent the covered agency from requesting more time in which to respond to the report, which request may be granted by the chairperson. If recommendations cannot or will not be implemented, the covered agency will provide an explanation.

(c) *Prerequisite training for members.* Prior to performing any functions as a member of the Commission, each voting member shall complete the following training, including, but not limited to: use of force; stop, search and arrest; traffic enforcement; bias-based policing; internal affairs processes; covered agencies' discipline procedures (including the disciplinary provisions of collective bargaining agreements and administrative processes, administrative proceedings, and burdens of proof); covered agencies' rules and regulations for its law enforcement officers; Governor's Code of Conduct and constitutional law. A voting Commission member who fails to complete the prerequisite training is prohibited from attending covered agencies' presentations, as well as from reviewing and voting on completed internal investigative findings.

(d) *Inappropriate use of information.* Commission members shall not use any information obtained from or through the fulfillment of Commission responsibilities for any non-Commission related purpose.

(1) No member of the Commission shall make any individual public statements regarding any deliberations, discussions, debate or review of any of the completed internal investigative findings of the covered agencies or recommendations of the Commission, unless so authorized by the chairperson.

(2) Other than as described in paragraph (3), the chairperson may authorize the use or disclosure of certain information utilized by the Commission under limited circumstances, as the chairperson deems appropriate.

(3) Commission members shall not disclose any confidential or protected information as defined in § 6.943 (relating to definitions) for any purpose.

§ 6.945. Composition.

The Commission shall consist of all of the following:

(1) *Voting members.* Eleven members appointed by the Governor who have either lived experience or professional experience, as listed in subparagraphs (i)—(xi), chosen at large, and who shall serve at the pleasure of the Governor:

(i) A member of the general public who has been significantly impacted by an encounter with law enforcement.

(ii) A member from academia.

(iii) A member of a municipal law enforcement citizen or community oversight board.

(iv) A mental health expert.

(v) A member of the Municipal Police Officers' Education and Training Commission or employee of an accredited Act 120 police academy with experience in use of force and internal investigations.

(vi) A current or former Chief of Police.

(vii) A current or former Public Defender.

(viii) A current or former District Attorney.

(ix) A current or former member of a police officer labor association.

(x) A member of the general public who is not current or former law enforcement.

(xi) A member of the general public who is current or former law enforcement.

(2) *Ex-officio members.* Seven non-voting members including all of the following:

(i) An appointee from the Office of the Governor.

(ii) The General Counsel or designee.

(iii) The Commissioner of Pennsylvania State Police or the Commissioner's designee.

(iv) The Chief of the Capitol Police or the Chief's designee.

(v) The Secretary of Corrections or the Secretary's designee.

(vi) The Secretary of Conservation and Natural Resources or the Secretary's designee.

(vii) The Executive Director of Pennsylvania Commission on Crime and Delinquency or the Executive Director's designee.

(3) *Conflicts.* No voting Commission member may be, or have been, a party to or representative of any party as named counsel of record in litigation involving any of the covered agencies. Commission members are required to identify any potential conflict, inform the chairperson thereof, and execute an abstention related thereto.

(4) *Chairperson and vice-chairperson.* The Governor shall appoint a chairperson and a vice-chairperson from among the voting members of the Commission, who shall serve at the pleasure of the Governor.

(5) *Executive director.* The executive director of the Commission shall be an employee of OSIG, who is so assigned by the Inspector General.

§ 6.946. Terms of membership.

Voting members shall serve the terms of their appointment and may serve until a successor is appointed.

(1) Initially, five voting members shall be appointed for a term of 2 years, and six voting members shall be appointed for a term of 3 years, the initial terms to be served beginning from the effective date of this subchapter. Thereafter, all terms shall be 3 years. A member shall serve no more than three terms.

(2) Should a vacancy of a voting member occur on the Commission, the Governor shall appoint a successor, and the successor shall fulfill the remainder of the term. A successor so appointed may, thereafter, be reappointed for no more than two additional terms.

§ 6.947. Duties and responsibilities of the chairperson and executive director.

(a) The chairperson shall be responsible for convening the meetings, establishing committees to conduct the review functions identified in § 6.944 (relating to Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission), and other duties as needed. In the absence of the chairperson, the vice-chairperson shall act in the chairperson's place.

(b) In conjunction with the chairperson, the executive director shall be responsible for producing the annual report described in § 6.951 (relating to reports), as well as providing support for any other administrative responsibilities of the Commission.

§ 6.948. Procedures.

(a) The Commission may establish subcommittees, rules and procedures necessary to effectively implement its authority and responsibilities included in this subchapter. Subcommittees may only include voting and ex-officio members of the Commission. Committees shall be chaired by a voting member of the Commission.

(b) A majority of voting members currently appointed and serving on the Commission shall constitute a quorum.

(c) The Commission shall meet four times a year, unless otherwise determined by the chairperson.

(d) Commission members may attend meetings in person or remotely by electronic or telephonic means. In-person and remote participation shall be considered attendance for purposes of constituting a quorum.

§ 6.949. Compensation.

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

§ 6.950. Responsibilities of the Pennsylvania Commission on Crime and Delinquency.

The Pennsylvania Commission on Crime and Delinquency shall assist OSIG, as requested.

§ 6.951. Reports.

The Commission shall prepare and submit an annual report to the Governor or the Governor's designee, and other reports as may be requested by the Governor. The annual report shall be published on OSIG's web site. Publicly accessible reports may not include information that is personal or sensitive in nature or is confidential, privileged, protected or otherwise prohibited or exempt from public disclosure by law, regulation or judicial order, including but not limited to PII, non-public information, CHRIA information, CJIS information, LES information or other information restricted by Federal or State laws or deemed by the affected covered agency to be law enforcement sensitive.

§ 6.952. Implementation.

(a) Covered agencies shall cooperate and provide assistance to the Commission as needed to perform its functions. Notwithstanding document retention periods, covered agencies must take affirmative steps to preserve any and all records and information relating to covered agencies' completed internal investigations that fall within the Commission's purview for the time period necessary for the Commission to complete its review.

(b) Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this subchapter.

§ 6.953. General provisions.

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

§ 6.954. Effective date.

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

§ 6.955. Rescission.

Effective immediately, Executive Order 2020-04, as amended, dated April 30, 2021, is hereby rescinded.

(Editor's Note: 4 Pa. Code Chapter 7, Subchapter BBB, §§ 7.861—7.877, which is the codification of Executive Order 2020-04, is reserved as a result of the rescission of Executive Order 2020-04 under § 6.955.)

CHAPTER 7. MISCELLANEOUS PROVISIONS**Subchapter BBB. [Reserved]****§§ 7.861—7.877. [Reserved].**

[Pa.B. Doc. No. 23-1681. Filed for public inspection December 8, 2023, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Permanent Resignation for Attorneys Under Disciplinary Investigation

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (the “Board”) is considering recommending to the Supreme Court of Pennsylvania amendments to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.”) 404 (Permanent Resignation and Readmission).

EXPLANATORY REPORT

The Board is considering a rule change to permit attorneys who are under disciplinary investigation to permanently resign from the practice of law. Permanent resignation under these rules prohibits the attorney from practicing law in Pennsylvania on a permanent basis. The proposal provides for the following process and procedures.

Rule 404(c)(1) sets forth criteria for attorneys who are the subject of a pending disciplinary investigation or proceeding and who seek voluntary permanent resignation from the bar. In order to qualify, an attorney must be either 65 years of age or older or suffer from a physical or mental impairment. The attorney must also agree to relinquish any license to practice law in another state or federal court or jurisdiction within 20 days of an order of permanent resignation in Pennsylvania.

Rule 404(c)(2) provides that permanent resignation may only be granted upon the filing of a petition to the Supreme Court of Pennsylvania. The petition filed by the attorney must state the facts that qualify the attorney for permanent resignation. Office of Disciplinary Counsel (“ODC”) must give written consent to the attorney’s request for permanent resignation and has discretion to consent only if the attorney meets certain conditions. Paragraph (c)(3) sets forth four conditions: the disciplinary investigation or proceeding does not involve allegations that the attorney converted or misappropriated funds or property of a client or third party; the investigation or proceeding does not involve allegations that the attorney engaged in criminal conduct that reflects adversely on the attorney’s honesty; the attorney has repaid to the Pennsylvania Lawyers Fund for Client Security any disbursement made from the Fund; and the public interest will not be adversely affected by the acceptance of the permanent resignation. These conditions ensure that attorneys who are under investigation for serious misconduct will not be able to avoid the disciplinary process and that attorneys will not be able to shirk obligations to the Fund. As well, the effect of an attorney’s permanent resignation on the interests of the public must be weighed in every request.

Upon ODC’s consent to the permanent resignation, the petition is reviewed by a Board member, as set forth in paragraph (c)(4). Upon the member’s approval, the petition for permanent resignation is filed with the Court.

Rule 404(c)(5) and (6) govern the Court’s action, confidentiality of the record, and notification of other jurisdictions. The Court has the final review of the petition for permanent resignation. Upon approval, the open investigation or proceeding is closed and the petition and order are confidential and non-public. The rules require the permanently resigned attorney to notify other jurisdictions in which he or she is licensed of the Court’s order of permanent resignation within 20 days of the order and provide a copy of the notification to ODC. Rule 404(c)(7) directs ODC to notify the complainant in the disciplinary matter that the attorney has permanently resigned, the disciplinary investigation has been closed, and the attorney is prohibited from practicing law in Pennsylvania.

Rule 404(d)(2) addresses readmission and sets forth that an attorney who has permanently resigned under this rule may not at any time seek a license status change or apply for reinstatement under the Pa.R.D.E., or otherwise seek admission to the bar under the Pennsylvania Bar Admission Rules.

A note at the end of the rule clarifies that while permanent resignation in Pennsylvania ends any disciplinary proceeding in Pennsylvania, it does not affect disciplinary proceedings in other jurisdictions, nor does the permanent resignation have an effect on pending or potential civil, criminal, or administrative litigation or action against the attorney.

The Board’s proposal for permanent resignation benefits Pennsylvania attorneys facing disciplinary investigation, as it permits an older attorney or one who suffers from an impairment the opportunity to give up their law license permanently, rather than endure a disciplinary proceeding. In turn, the public is protected by removal of the attorney from practice and the resources of the disciplinary system are preserved.

Interested persons are invited to submit written comments, suggestions or objections by mail, email or facsimile to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, facsimile number (717-231-3381), email address Dboard.comments@pacourts.us on or before January 8, 2024.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 404. Permanent Resignation and Readmission.

* * * * *

(c) Resignation while under disciplinary investigation.

(1) An attorney who is the subject of a pending disciplinary investigation or proceeding may seek permanent resignation from the practice of law if:

(i) The attorney is 65 years of age or older or suffers from a physical or mental impairment; and

(ii) The attorney either does not have an active license to practice law in any other state or federal court or jurisdiction or agrees to relinquish any such license within 20 days of entry of an order under this rule.

(2) Contents of petition. Permanent resignation status may be granted to an attorney under disciplinary investigation only upon petition to the Supreme Court. The petition filed by the attorney must set forth facts qualifying the attorney for permanent resignation status.

(3) Consent to petition. The attorney must obtain the written consent of the Office of Disciplinary Counsel to permanent resignation and must attach the written consent to the petition. The Office of Disciplinary Counsel has discretion to consent to permanent resignation only if the attorney qualifies under paragraph (1) and the following conditions are present:

(i) The investigation or proceeding does not involve allegations provable by a preponderance of the evidence that the attorney converted or misappropriated funds or property of a client or third party;

(ii) The investigation or proceeding does not involve allegations provable by a preponderance of the evidence that the attorney engaged in criminal conduct that reflects adversely on the attorney's honesty;

(iii) The attorney has repaid to the Pennsylvania Lawyers Fund for Client Security any disbursements made from the Fund with respect to the Dishonest Conduct of the attorney, plus 10% per annum interest; and

(iv) The public interest will not be adversely affected by the acceptance of the permanent resignation.

(4) Board review. The petition with attached written consent of Office of Disciplinary Counsel shall be filed with the Board for review by a single Board member. Upon approval of the Board member, the Board shall file the petition for permanent resignation with the Court.

(5) Court action and confidentiality of record. Upon the Court's grant of a petition for permanent resignation, the open investigation or proceeding shall be closed. Petitions and orders under this subdivision (c) shall be confidential and non-public.

(6) Notification of other jurisdictions. The permanently resigned attorney shall notify other jurisdictions in which he or she is licensed to practice law of his or her permanent resignation in Pennsylvania within 20 days of the date of the Court's order and provide a copy of the notification to Office of Disciplinary Counsel. The permanently resigned attorney may not reactivate a license to practice law or obtain a license to practice law in any other jurisdiction and shall notify the other jurisdictions that the inability to reactivate or obtain a license to practice law is a condition of the permanent resignation.

(7) Notification of complainant. The Office of Disciplinary Counsel shall notify any complainant to any pending complaints that the attorney has permanently resigned from the practice of law, that the attorney will not be permitted to practice law in Pennsylvania, and that the disciplinary investigation has been closed.

(d) Readmission.

(1) An attorney who has permanently resigned from the practice of law in this Commonwealth pursuant to subdivision (a) or (b) of this rule may not be reinstated under the Enforcement Rules and must seek readmission to the bar pursuant to the Pennsylvania Bar Admission Rules.

(2) An attorney who has permanently resigned from the practice of law in this Commonwealth pursuant to subdivision (c) of this rule may not at any time seek a license status change or apply for reinstatement under these Enforcement Rules and may not seek readmission to the bar pursuant to the Pennsylvania Bar Admission Rules.

Note: Permanent resignation obtained under subdivision (c) ends any disciplinary proceeding in Pennsylvania. It does not affect any disciplinary proceedings in any other jurisdiction. Further, this Rule is not intended to have any effect on any pending or potential civil or criminal or administrative litigation or action against the attorney, even if that litigation arises from the same transaction as the disciplinary complaint and investigation which were dismissed as part of the permanent resignation.

[Pa.B. Doc. No. 23-1682. Filed for public inspection December 8, 2023, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 1]

Proposed Amendment of Pa.R.A.P. 102

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102 to make appeals from juvenile delinquency adjudications subject to Children's Fast Track procedures for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Deputy Chief Counsel
 Appellate Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9551
 appellaterules@pacourts.us

All communications in reference to the proposal should be received by January 31, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
 Procedural Rules Committee*

PETER J. GARDNER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

(*Editor's Note:* Rule 102 as printed in 210 Pa. Code reads "Official Note" rather than "Note.")

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

Children's [fast track appeal.—] Fast Track Appeal. Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, [or] paternity, **or delinquency except out-of-home placements under Pa.R.A.P. 1612.** See 42 Pa.C.S. §§ 6301 *et seq.*; 23 Pa.C.S. §§ 2511 *et seq.*; 23 Pa.C.S. §§ 2101 *et seq.*; 23 Pa.C.S. §§ 5321 *et seq.*; 23 Pa.C.S. §§ 5102 *et seq.*

* * * * *

[Note] Comment:

Based on 42 Pa.C.S. § 102 (definitions). The definition of "determination" is not intended to affect the scope of review provided by 42 Pa.C.S. § 5105(d) (scope of appeal) or other provision of law.

The addition of "delinquency" within the definition of "Children's Fast Track Appeal" extends expedited review to orders involving those adjudications.

SUPREME COURT OF PENNSYLVANIA APPELLATE COURT PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 102

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Appellate Procedure 102 to include appeals from juvenile delinquency orders.

Currently, CFT procedures apply to all cases involving dependency, termination of parental rights, adoption, custody, or paternity. See Pa.R.A.P. 102; 210 Pa. Code § 65.14A(1). In addition, Central Legal Staff of the Superior Court has the discretion to expedite other appeals involving the parent-child relationship as "Other Family Fast Track." 210 Pa. Code § 65.14A(2).

Under CFT, an appellant is required to file a Pa.R.A.P. 1925 statement with the notice of appeal and the judge is required to file an opinion in 30 days of receipt if the reasons for the order do not appear on the record. The clerk must transmit the record within 30 days and the briefing schedules are compressed, as well as the time requirements for other actions and filings, *e.g.*, designation of reproduced record, dispositive motions, applications for reconsideration/reargument, and petitions for allowance of appeal. Thus, both the courts and parties must act in an expedited manner.

Currently, juvenile delinquency appeals are not granted expedited treatment with the exception of out-of-home placement determinations, which are subject to specialized petition for review practice under Pa.R.A.P. 1612. A requester urged that juvenile delinquency appeals be subject to CFT procedures to afford those parties the same swift handling of their cases with a timely resolution as the other cases subject to CFT.

In evaluating the request, the Committee considered the impact adding juvenile delinquency appeals to CFT procedures could have on the Superior Court. It solicited caseload statistics from the AOPC regarding the volume of appeals for the most recent five-year period (2018—2022). The data revealed that there have been between 23 and 48 juvenile-delinquency appeals per year with an average of 35 appeals per year. In total, there were 175 appeals over the entire five-year period. The Committee concluded that the inclusion of delinquency appeals within CFT would not overly burden the Superior Court.

Accordingly, the Committee proposes an amendment to the definition to "Children's Fast Track" to include delinquency appeals within the scope of those procedures. In addition, the amended definition would recognize the exception for out-of-home placements.

* * *

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

[Pa.B. Doc. No. 23-1683. Filed for public inspection December 8, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rules; Civil Term; 96-1335 CIVIL

Order

And Now, this 22nd day of November, 2023, effective January 1, 2024 or thirty (30) days after publication in the *Pennsylvania Bulletin*, all the existing Local Rules of Cumberland County are hereby rescinded and the following new rules are adopted to read as follows.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to admin.rules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at www.cumberlandcountypa.gov.

4. Incorporation of the local rule into the set of local rules on www.cumberlandcountypa.gov within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

RULES OF THE COURT OF COMMON PLEAS

PRELIMINARY RULES

Rule 1. Title and Citation of Rules.

(a) The Rules of Court of the Ninth Judicial District shall hereinafter be known as the Cumberland County Rules of Procedure. They shall be abbreviated generally as C.C.R.P.; however Cumberland County Rules of Criminal Procedure shall be cited as C.C.R.Crim.P., Cumberland County Rules of Juvenile Court Procedure shall be cited as C.C.R.J.C.P., Cumberland County Orphans' Court Rules shall be cited C.C.R.O.C.P., and Cumberland County Rules of Judicial Administration shall be cited as C.C.R.J.A.

(b) All rules issued prior to January 1, 2024 are expressly rescinded.

Rule 2. Structure.

The following structure shall be utilized for the Cumberland County Rules of Procedure for any future amendments, revisions, additions, and improvements to the rules. All rules, practices, precedents, and forms in effect at this time shall continue in full force and effect until such time as they are expressly rescinded or revised hereafter by order of the court.

Cumberland County Rules of Procedure

PRELIMINARY RULES	C.C.R.P. 1—50
CIVIL	C.C.R.P. 51—6114
ORPHANS COURT	C.C.R.O.C.P. 1.1—16.6
CRIMINAL	C.C.R.Crim.P. 100—1101
DELINQUENCY AND DEPENDENCY	C.C.R.J.C.P. 100—1800
RULES OF JUDICIAL ADMINISTRATION	C.C.R.J.A 101—4016

Rule 3. Applicability and Footnotes.

(a) The Cumberland County Rules of Procedure are applicable to the Court of Common Pleas, Civil Action; Court of Common Pleas, Criminal; Court of Common Pleas, Orphans'; Court of Common Pleas, Juvenile unless otherwise provided.

(b) The footnotes in the rules are for information only and shall not be considered part of the rules.

Rule 4. Erroneous Entries.

a) Any matter erroneously entered in any book, docket, mortgage or deed book, will book or other official record in the offices of the Prothonotary, Register of Wills, Clerk of Courts, Recorder of Deeds and the Sheriff shall be so marked, and the correct entry shall be inserted. If material is omitted, the omitted entry shall be placed on the record in a manner which will allow a clear and unambiguous reading of the record. In every case the date of the correction shall be noted.

b) If a document is erroneously electronically filed to the wrong docket, the docket note shall summarize the error and the document shall be hidden from public access. The document shall then be filed to the correct electronic docket.

Rule 5. Court Calendar.

The Court Calendar will be determined by the Court on a yearly basis. The Court Administrator will prepare the calendar at the direction of the President Judge.

Rule 6. Court Fee Schedule.

The hourly pay rate for each type of court appointed or contracted position will be determined by the Court on a yearly basis. The Court Administrator will prepare and distribute the fee schedule at the direction of the President Judge.

Rule 7. Legal Journal.

The *Cumberland Law Journal* is designated as the official legal publication of Cumberland County and the legal newspaper designated by this Court for the publication of legal notices.

Advertisement of the following notices in the *Cumberland Law Journal* is hereby dispensed with:

- (a) Proposed budgets of Municipalities
- (b) Meetings, decisions and filings of Reports of Viewers
- (c) Any other notice involving a local government or one of its instrumentalities unless expressly provided otherwise by statute.

CIVIL

CHAPTER I. BUSINESS OF THE COURT

Rule 205.4. Electronic Filing and Service of Legal Papers Filed in the Civil Trial Division.

(a) The Cumberland County Court of Common Pleas does hereby permit electronic filing of legal papers with the Prothonotary through its Electronic Filing System, as well as the electronic service of such papers, under terms more specifically provided in Pennsylvania Rule of Civil Procedure 205.4.

(1) The Prothonotary's Office will provide the necessary technical assistance to those parties who lack the capability to file legal papers electronically.

(2) As used in this rule, the following words shall have the following meanings:

(i) "electronic filing" shall be the electronic transmission of legal papers by means other than facsimile transmission;

(ii) "filing party" shall be an attorney, party or other person who files a legal paper by means of electronic filing; and

(iii) "legal paper" shall be a pleading or other paper filed with the Prothonotary in any civil action, including attachments and exhibits, even if the legal papers are not adversarial in nature or do not require a response from the non-filing party or parties.

(b) Legal papers shall be presented for filing in a portable document format ("PDF"). As authorized by Pa.R.C.P. 205.4(b)(1), in the event a legal paper is presented for filing in a hard-copy format or an electronic format other than a PDF, the Prothonotary shall convert said legal paper into a PDF and shall maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention as required by Pa.R.C.P. 205.4(b)(4).

(c) The Prothonotary shall always provide access to its Electronic Filing System, except during periods of required maintenance.

(1) Legal papers may be filed electronically through the Electronic Filing System, which will be accessible through the Cumberland County Prothonotary website.

(2) To obtain access to the Electronic Filing System, counsel or any unrepresented party must first register with the Prothonotary's Office for a Username and Password.

(3) The time and date of filing a legal paper and any receipt of the legal paper filed electronically shall be that registered by the Electronic Filing System. The Prothonotary shall provide, through the Electronic Filing System's website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(4) A filing party shall be responsible for any delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the Electronic Filing System's website.

(d) A filing party shall pay the cost of the electronic filing of a legal paper by approved credit or debit card. The following cards have been approved for payment of the electronic filing: American Express, Discover, MasterCard and Visa.

(e) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary or the Electronic Filing System based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

(1) If a pleading or other legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary by email, or the Electronic Filing System, as may be appropriate, shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.

(2) The Court upon motion shall resolve any dispute arising under paragraph (1) of this subdivision. If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted, or filed by the Electronic Filing System, the Court may order that the paper be accepted and filed nunc pro tunc upon a showing that reasonable efforts were made to timely present and file the paper.

(f) As authorized by Pa.R.C.P. 205.4(f), the following administrative procedures are adopted:

(1) Verification of pleadings, as required by Pa.R.C.P. 206.3 and 1024, as well as any other documents executed by the client or third parties, such as Affidavits or Certificates of Service, shall be scanned and attached to the electronic filing in a PDF at the time the legal paper is submitted for electronic filing.

(2) Filings containing personal identifiers in civil matters, such as Social Security numbers, dates of birth, financial account numbers and names of minor children, shall be modified or partially redacted in all documents electronically filed in the office and shall be filed with a confidential information form.

(3) The Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite filing fee; such legal paper shall only be deemed to have been filed on the date that said filing fee payment was received by the Prothonotary.

(4) Neither the Court nor the Prothonotary shall be required to maintain a hard copy of any legal paper, notice or Order filed or maintained electronically under this Rule.

(g) *Service:*

(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served:

(i) as provided by Pa.R.C.P. 440; or

(ii) by electronic transmission, other than facsimile transmission, to all parties who have previously submitted electronic filing in the same case, pursuant to C.C.R.P. 205.4 and Pa.R.C.P. 205.4(g).

(2) Service by electronic transmission is complete when a legal paper is sent:

(i) to the recipient's electronic mail address, or

(ii) to an electronic filing system website and an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website.

(3) Copies of all Notices, Orders or Judgments from the Court in any action shall be served by electronic transmission through the Electronic Filing System to all parties who have previously submitted electronic filings in the same case. If a party or parties have not yet submitted electronic filing in a particular case, then the Prothonotary shall provide notice by facsimile, other electronic means, or by forwarding a hard copy to said party or parties.

Rule 206.1. Petitions.

All Petitions not enumerated in Pa.R.C.P. 206.1(1) (applications to strike and/or open a default judgment or a judgment of non pros) shall follow all requirements for the filing of Motions laid out in C.C.R.P. 208.3.

Rule 208.3. Motions.

All motions shall be filed with the Prothonotary who shall forward them to the Court Administrator for assignment to a judge for disposition.

(a) All motions submitted to the Court shall:

(1) prominently indicate the individual attorney responsible for the matter and their email address, or attorney is not the one who personally submits the papers, the names and email address of both attorneys shall be clearly indicated;

(2) state whether a judge has ruled upon any other issue in the same or related matter, and, if so, shall specify the judge and the issue; and

(3) include a brief statement of the applicable authority.

(b) A proposed order or decree shall be affixed to the front of each motion submitted to the Court.

(c) Where notice of the entry of any order is required under Pa.R.C.P. 236, the filing party shall include in the proposed order the names of the persons and/or attorneys who are required to be notified and to provide stamped envelopes addressed to the said persons and/or attorneys.

(d) Except as provided in C.C.R.P. 1028, 1034, and 1035.2, no motion shall be placed on an argument court list unless directed by the assigned judge.

(e) Prior to filing any motion, the filing party shall seek concurrence of any other party and any guardian ad litem, except that this requirement shall not apply to preliminary objections, motions for judgment on the pleadings, motions for summary judgment, petitions to open or strike judgments, and motions for post-trial relief.

(1) If a response is received, the filed document shall note the position of each opposing party.

(2) If no response is received, the filed document shall note the manner and timing of each attempt to seek concurrence.

(3) If no response is received or there is opposition to the requested relief, the filing party shall include a proposed order, as prescribed by the Court and available on the Court Website, directing each opposing party to file a written response.

(f) The judge to whom a motion has been assigned shall, thereafter, by order, schedule such hearing, briefing, and/or argument as shall be deemed necessary.

(g) If a party who is represented by counsel of record attempts to file a motion, petition, answer, or similar item on their own, the item may be stricken from the record and instead forwarded to the counsel of record for such action as they deem appropriate on behalf of the client.

Rule 212.1-1. Case Management.

A civil judge will hold civil status conferences in alternating months on a date which will be scheduled by Court Administrator on the yearly court calendar (See C.C.R.P. 5).

(a) The purpose of the status conferences will be to ensure cases progress in a timely manner.

(b) Cases will be automatically scheduled for a civil status conference in the following instances:

(1) one year following the filing of the complaint, every civil case will be scheduled for a civil status conference.

(2) any case where an Intent to Proceed is filed in response to a two-year purge notice shall be scheduled for the next available civil status conference date.

(c) A case will only be removed from the civil status conference list if a:

(1) Praecipe to Discontinue the Action is filed,

(2) comprehensive case management order is filed, or

(3) Motion to Continue or Specially Set a status conference is granted.

(d) Cases will be handled in the order that they were listed.

(e) All parties should be prepared to address:

(1) outstanding discovery,

(2) expert reports,

(3) dispositive Motions,

(4) trial timing, and

(5) any other relevant matter relating to the issuance of a comprehensive case management order.

(f) Following the status conference, the Court will issue a case management order.

Rule 212.1-2. Call of Civil Trial List.

(a) For each term of court, the civil trial list shall be called on a date which will be scheduled by Court Administrator on the yearly court calendar (See C.C.R.P. 5). Any case not answered at the first call, shall, at the option of the court, be placed at the end of the list or stricken from it.

(b) At the call of the trial list, counsel for all parties shall indicate that discovery has been completed, that Alternative Dispute Resolution options have been considered and, if agreed to, have been completed or will be completed so as not to delay trial, and that the case is otherwise ready for trial in all respects. Any case not ready for trial in all respects shall, at the option of the court, be placed at the end of the list or stricken from it.

Rule 212.1-3. Listing for Jury Trial.

(a) Except as provided in subsection (c), cases shall be listed for jury trial only by filing a praecipe directing the Prothonotary to list the case for trial. The party listing the case for trial shall promptly serve a copy of the praecipe on all other parties. The praecipe shall be in the form prescribed by the Prothonotary.

(b) The trial list for cases at law shall close seven (7) weeks before the first day of trials. Trial lists shall be prepared by the Prothonotary with the cases arranged in the order of their listing. Copies of each trial list shall be made available to members of the Bar.

(c) Where a case is listed for jury trial by direction of the Court, notice of such listing shall be given to counsel by the Prothonotary.

Rule 212.1-4. Listing for Non-Jury Trial.

If neither party is requesting a jury trial, either party can request the matter be scheduled for a bench trial by filing a praecipe with the Prothonotary. The Prothonotary shall forward the praecipe to the Court Administrator's Office for scheduling before the appropriate judge.

Rule 212.2. Pretrial Memorandum.

No later than Friday prior to the pretrial conference, each party to a civil action shall file (and serve a copy on all other parties) a pretrial memorandum with the Prothonotary, who will transmit it to the Court Administrator. The memorandum shall set forth in the following order:

(a) A statement of the basic facts as to liability.

(b) A statement of the basic facts as to damages.

(c) A statement as to the principal issues of liability and damages.

(d) A summary of legal issues regarding admissibility of testimony, exhibits or any other matter, and legal authorities relied on.

(e) The identity of witnesses to be called.

(f) A list of exhibits with brief identification of each.

(g) The current status of settlement negotiations including a statement as to whether an Alternative Dispute Resolution option has been utilized.

(h) Estimated length of trial.

Rule 212.3. Pretrial Conference.

(a) For each term of court, a pretrial conference date will be scheduled by Court Administrator on the yearly court calendar (See C.C.R.P. 5).

(b) The pretrial conference shall be attended by the attorney who will try the case. If the trial attorney fails to attend the pretrial conference, he or she shall not be permitted to try the case.

(c) Any case in which the trial attorney fails to appear for the pretrial conference may be placed at the end of the list or stricken from it. The court may impose alternative or additional appropriate sanctions on the party or counsel failing to appear.

Rule 223. Trial Procedure.

In all trials the order of procedure shall be as follows:

(a) The counsel for the affirmative shall open their case and state the facts and, if necessary, the principles of law involved so that the relevancy of the facts may be understood, but without argument. Thereafter, the opposing counsel may open their case and proceed in like manner or may reserve their right to open until after the affirmative case in chief. If reserved, the counsel for the affirmative shall call witnesses for examination and cross-examination. If not reserved, the counsel for the affirmative shall present their case in chief at the close of the affirmative case. Closing arguments shall be in inverse order of the opening statements. Unless specifically allowed, no opening statement or summation shall exceed thirty (30) minutes.

(b) Upon the return of the jury to the courtroom, the judge shall examine the written verdict. If irregular, the judge shall further instruct the jury and send it back for further deliberation. If the written verdict is in proper form, regular and valid, the judge shall hand it to the Prothonotary clerk who shall inquire of the foreman:

“Have you reached a verdict?”

Upon an affirmative response, the Prothonotary clerk shall inquire of the foreman:

“What is your verdict?”

Thereupon the foreman shall pronounce the verdict.

Upon demand for a poll being made, the Prothonotary clerk shall inquire of each juror separately as to their verdict. The Court shall instruct the Prothonotary clerk as to the form of the question after consultation with counsel if desired.

If no demand for a poll is made or if the poll shows a legal verdict, the Prothonotary clerk shall enter the verdict and shall inquire of the jury in the usual form as to whether or not the same is their verdict.

CHAPTER II. MISCELLANEOUS RULES

Rule 330. Land Use Appeals.

(a) Contemporaneously with the notice of the filing of the complete return of the record, the Prothonotary shall forward the appeal to Court Administration for assignment of a judge of the Court of Common Pleas. The Court Administrator shall assign appeals to the judges on a rotating basis.

(b) Within ten (10) days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. The Prothonotary shall immediately serve a copy of the motion upon the assigned judge.

(c) At the conference, the Court may:

(1) Require or approve supplementation of the record.

(2) Fix a time for a de novo hearing before the Court.

(3) Employ expert(s) to aid the Court to frame an appropriate order.

(4) Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.

(5) If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.

(6) Specially set a date for oral argument.

(d) After the conference, the Court shall issue an appropriate order addressing the filing of briefs.

(e) If no party has filed a request for a conference within ten (10) days after the Prothonotary gives notice of the filing of the complete return of the record, the Court shall immediately issue a standard order setting a briefing schedule and specially set a date for oral argument.

(f) The standard briefing schedule shall be as follows:

(1) The appellant shall file a brief within forty (40) days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal.

(2) Each other party shall file a responsive brief within thirty (30) days after service of appellant's brief.

(3) The appellant may file a reply brief within ten (10) days after service of the responsive brief.

(g) If appellant fails to file a brief within the time period established under the rules of this section or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief, or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.

Rule 367. Bill of Costs.

A party entitled to costs shall file a bill of costs with the Prothonotary which shall be served upon the opposing party or their attorney. Such bill shall set forth the witnesses in attendance at trial, the statutory witness fees paid to such witnesses, and the places from which mileage is claimed. The bill shall be verified under oath as being true and correct to the best of the affiant's knowledge and belief which verification shall include a statement that the witnesses were material and necessary. If the opposing party objects to a bill of costs, they must file exceptions, in writing, with the Prothonotary, within ten (10) days of service. The Prothonotary shall hear and determine the objections. If either party is dissatisfied with the decision of the Prothonotary, the matter shall be heard by the Court; but no exception or

appeal shall operate to stay execution or prevent the collection of the debt or costs, but any costs subject to the exception shall be retained until the question is decided.

Rule 500. Prothonotary Posting and Access.

(a) The Prothonotary shall provide and maintain in the public room of their office a bulletin board upon which notices, the posting of which is required by the Rules of Court, may be posted. The Prothonotary may remove expired postings on a regular basis.

(b) The Prothonotary shall make all matters or documents required or authorized, except juvenile cases and other non-public files, from August 2001 forward, available on the Prothonotary's website for public access. The Prothonotary shall provide access to the public to search these records by docket number or by name of the plaintiff or defendant.

(c) The Prothonotary shall provide access to certain non-public files, specifically Cumberland County family law actions from August 2001 forward, by use of a password login, to:

(1) Certain subscribing Pennsylvania licensed attorneys.

(2) Unrepresented litigants for their own cases only.

Note: For the purpose of internet access, non-public files shall include divorce, custody, and protection from abuse cases filed after the effective date of this rule.

CHAPTER III. PLEADINGS

Rule 1018.1. Notice to Defend.

As provided by Pennsylvania Rule of Civil Procedure No. 1018.1, the following officer is designated to be named in the Notice to Defend in order to find out where legal help can be obtained:

Cumberland County Bar Association's Find a Lawyer
32 South Bedford Street
Carlisle, PA 17013
Phone: 717-249-3166 EXT. 105

Rule 1028. Preliminary Objections.

All preliminary objections shall be filed with the Cumberland County Prothonotary's Office. Thereafter, the issues raised (unless specifically excluded by other rule, see C.C.R.P. 330, 1915.5, and 1920.12) will be disposed of at regular sessions of argument court, which shall be scheduled as part of the annual court calendar (See C.C.R.P. 5). All cases will be decided on written argument unless oral argument is specifically requested. If granted, oral argument will be held off the record. The procedure for disposition of matters by argument court shall be as follows:

(a) The objecting party shall file a brief with the Prothonotary simultaneously with the preliminary objections. If the brief is not timely filed, the Court may deny the relief sought on that basis alone. This brief shall:

(1) be limited to twenty (20) double-spaced pages (unless prior court approval has been granted).

(2) contain a statement of facts, discussion of the issues, and reference to all authorities relied upon.

(3) address all issues raised in the objections, or else they shall be deemed abandoned.

(4) note references to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear, e.g., "(r. pg. 30 l. 15)," and, if references are made in the brief

to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

(b) The objecting party shall immediately serve a copy of the brief upon opposing counsel and any unrepresented party and shall file an affidavit of service.

(c) Within twenty (20) days of the date of service of the objecting party's brief, the responding party shall file and serve a brief in accordance with the requirements of subsections (a)(1—4) of this rule.

(d) Except as provided in subsection (e), ten (10) business days following the close of the briefing schedule, the preliminary objections will be automatically listed for decision on the briefs only at the next available argument session.

(e) If either party wishes to request a later argument date or oral argument (for complex cases or novel legal issues), they must file with the Prothonotary, and serve upon all parties, a praecipe containing the request within five (5) business days following the close of the briefing schedule.

(f) The Prothonotary shall maintain the argument court list.

(1) The argument list shall be closed forty (40) days prior to the date for argument.

(2) The list shall then be prepared by the Prothonotary and the cases shall be set out in order of their listing.

(3) Upon the closing of the argument list, the Prothonotary shall furnish notification by regular mail to all attorneys and unrepresented parties who have cases listed for argument.

(g) One week prior to argument, the Court Administrator shall prepare the final list of cases to be decided and post it to the Prothonotary's Website.

(h) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes unless prior permission is granted to extend argument in a complex case.

(i) Briefs will be retained by the Prothonotary and will be on the record.

(j) If the preliminary objections resolve prior to the argument court date, a praecipe to withdraw the listing shall be filed immediately.

(k) In the interest of judicial economy, if a single case has objections listed for multiple argument court dates, they shall be consolidated to the latest scheduled argument court session.

Rule 1034. Motions for Judgment on the Pleadings.

Motions for judgment on the pleadings shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with C.C.R.P. 1028.

Rule 1035.2. Motions for Summary Judgment.

All motions for summary judgment shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with C.C.R.P. 1028.

CHAPTER IV. ARBITRATION

Rule 1301. Compulsory Arbitration.

(a) All civil cases which are at issue in which the total amount in controversy is Fifty Thousand Dollars (\$50,000) or less, exclusive of interest and costs, except those cases

involving title to or possession of or occupancy of real estate, shall be submitted for hearing and award to three members of the Bar to be designated as a Board of Arbitrators.

(b) All cases in trespass, otherwise meeting the requirements of (a), in which no appearance has been entered for the defendant (including those cases in which a default judgment has been entered against the defendant pursuant to Pa.R.C.P. 1037(a)), shall be submitted to a Board of Arbitrators for hearing and award upon the question of damages, unless damages have been assessed in accordance with Pa.R.C.P. 1037(b).

Rule 1302. Board of Arbitrators.

(a) In all cases requiring compulsory arbitration in accordance with C.C.R.P. 1301, any party may file a petition with the Prothonotary for the appointment of a Board of Arbitrators. The petition shall set forth that the matter is at issue, the amount in controversy, the names of members of the Bar of Cumberland County who are interested in the matter or otherwise disqualified to sit as arbitrators, and a request for the appointment of a Board of Arbitrators.

(b) Upon receipt of the petition, the Prothonotary shall forward it to the Court Administrator for assignment to a judge for review and appointment of the Board of Arbitrators.

(c) The Board of Arbitrators shall be appointed from the list of arbitrators. The first member appointed shall act as Chairman and shall fix the time and place for hearing.

(d) In any case listed for trial before the court, if it shall come to the attention of the court that the case qualifies for compulsory arbitration under C.C.R.P. 1301, the court may direct the plaintiff to file a Petition for Appointment of a Board of Arbitrators.

(e) The compensation of the Chairmen and Board Members shall be set each year via the annual Court Fee Schedule (See C.C.R.P. 6).

CHAPTER V. SUPPORT

Rule 1910.10. Hearing Procedure.

The Court of Common Pleas of Cumberland County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

Rule 1910.12. Conduct of Hearing and Exceptions.

(a) Hearings shall be conducted by the Support Hearing Officer.

(b) The Support Hearing Officer shall engage the services of a Court Reporter or a Courtroom Technician; however, the notes of testimony shall not be transcribed unless:

(1) required by the Support Hearing Officer to prepare the report and recommendation to the Court,

(2) ordered by the Court, or

(3) requested by a litigant in accordance with Local Rule 4007.

(c) When exceptions are filed, the Domestic Relations Office shall immediately forward the cases to the Court Administrator who shall assign them to judge. The assigned judge will set a briefing and argument schedule.

CHAPTER VI. CUSTODY

Rule 1915.1. Applicability of Custody Rules.

These rules shall govern all actions for custody, partial custody, and visitation, including original actions to

modify and for contempt. The rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody actions. Pa.R.C.P. 1915.1 et seq.

Rule 1915.3-1. Custody Complaint.

(a) The original complaint shall be filed with the Prothonotary who shall forward the copy of the complaint to the Court Administrator for assignment to a custody conference officer.

(b) If a custody claim is asserted in a divorce complaint, and either party desires a hearing on the custody issue, a copy of the divorce complaint, together with a simple motion for hearing, filed with the Prothonotary who shall forward the copy of the complaint to the Court Administrator for assignment to a custody conference officer.

Rule 1915.3-2. Custody Conference Officers.

(a) The court shall appoint a member(s) of the Bar or other appropriate person, as an official of the court, to:

(1) Conciliate custody cases filed with the court;

(2) Recommend to the court that interim or temporary orders be entered in appropriate custody cases;

(3) Recommend appointment of counsel for the child;

(4) Recommend the utilization of home studies and expert witnesses.

(b) The compensation for a custody conference officer shall be set each year via the annual Court Fee Schedule (See C.C.R.P. 6).

(c) All petitions for contempt or modification shall be filed in the same manner as original complaints in Rule 1915.3-1 and the Court Administrator shall refer same to the custody conference officer for review.

Rule 1915.3-3. Custody Conciliation Conference.

(a) The conciliation before the custody conference officer shall not be more than forty-five (45) days from the date of assignment by the Court Administrator. The custody conference officer may reschedule the conference at the request of either party. The rescheduled date shall not be more than seventy-five (75) days from the date of assignment by the Court Administrator. If the conciliation conference is rescheduled, a new order shall be issued setting the time, date, and place for the conference and shall be docketed with the Prothonotary.

(b) If the responding party intends to file counterclaims or crossclaims, they shall be filed prior to the conciliation conference, where possible.

(c) If a question of jurisdiction or venue is raised prior to the conciliation conference, such objections shall be referred by the custody conference officer to the court for disposition. No other pleading need be filed to a claim for custody or visitation.

(d) To facilitate the conciliation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in court. The custody conference officer shall not be a witness for or against any party, neither shall the conciliator permit the recording in any way of the proceeding.

(e) At the conclusion of the conference where the case remains contested the custody conference officer shall prepare a Conference Summary Report. This report shall contain facts gathered by the conciliator during the conference. This report shall be filed of record.

(f) Within seven (7) days following a conciliation conference, the custody conference officer will submit their proposed order(s) to the Court:

(1) **SETTLED CASE:** If the parties reach an agreement, the custody conference officer shall draft a proposed order in conformance with the agreement of the parties. The custody conference officer shall thereafter submit the proposed order to the Court Administrator who shall transmit the order to the assigned judge for disposition.

(2) **CONTESTED CASE:** Should the parties fail to reach an agreement prior to the conclusion of the conciliation conference, the custody conference officer shall submit their Conference Summary Report and any proposed recommended order to the Court Administrator who shall transmit the order to the assigned judge, who shall thereafter review the proposed recommended order and direct the matter for hearing. The proposed recommended order may contain a requirement that the parties file a pretrial memorandum with the judge to whom the matter has been assigned.

(3) **GAL APPOINTMENT:** If the parties agree to the appointment of a guardian ad litem (GAL) or the custody conference officer recommends appointment of a GAL, the custody conference officer shall include a proposed GAL appointment order with the Conference Summary Report. If either party requests that the county pay the GAL's fees, the conference officer shall colloquy the parties on their ability to pay and make a recommendation regarding payment of the GAL's fees.

Rule 1915.4. Emergency and Special Relief.

(a) Definitions.

(1) Petitions for Special Relief shall be filed to address a specific circumstance that does not necessitate the modification of an existing Custody Order and does not involve a violation of the existing Custody Order.

(2) Petitions for Contempt shall be filed to address past or ongoing violations of an existing Custody Order.

(3) Emergency Petitions for Custody shall be filed when there is an immediate threat to the health, safety, or welfare of the child.

(b) Procedure.

(1) Petitions for Special Relief and for Contempt will follow the same procedure as a Custody Complaint as laid out C.C.R.P. 1915.3-1.

(2) Emergency Petitions for Custody will promptly be personally delivered to a judge by Court Administration for review and action.

Rule 1915.11. Parenting Coordination.

(a) The Court Administrator shall maintain a current roster of qualified individuals willing to serve as parenting coordinators upon court appointment pursuant to Pa.R.C.P. 1915.11-1.

(b) The parenting coordinator shall attempt to resolve issues arising out of the custody order by facilitating an agreement between the parents and, if unable to reach an agreement, where necessary recommend a resolution to the court.

(c) For simplification purposes, the general term "parent" is used to describe any party to a custody case, which includes the universe of people who act in a parental capacity in a custody proceeding.

(d) Appointment of a Parenting Coordinator.

(1) If the parents cannot agree on a parenting coordinator, the court may select one, upon a motion to designate, wherein the requesting parent will identify their choice(s) of parenting coordinator along with hourly rates and allocation of fees.

(2) The non-requesting parent will be noticed to respond to the request with their choice(s) and required information. Thereafter, the court may designate a parenting coordinator without a hearing.

(e) Scope of Authority of the Parenting Coordinator.

(1) Unless the parents' consent in writing, the parenting coordinator shall not contact collateral sources or speak with the child(ren) and to effectuate this provision, the parents shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals.

(2) Any communication with the collateral sources or child(ren) shall be limited to the issue(s) currently before the parenting coordinator.

(f) Fees.

(1) The compensation for a parenting coordinator shall be set each year via the annual Court Fee Schedule (See C.C.R.P. 6).

(2) Waiver of fees or reduced fees. Upon written request of a parent, which may be filed using the Unified Judicial System of Pennsylvania form designated a Motion to Proceed In Forma Pauperis, CPCMS 2046, the court shall engage in a need-based assessment of a parent's ability to pay, so that indigent or low-income parents may participate in the parenting coordination program at a reduced fee or, as appropriate, no fee.

Rule 1915.13. School Determination Court.

(a) When, following conciliation, the parties are unable to agree where a child will attend school, the assigned judge will attempt to schedule a full hearing prior to the start of the relevant school year.

(b) If a date for a full hearing is unavailable, the assigned judge will schedule the matter for school determination court.

(1) School determination court shall be scheduled as part of the annual court calendar (See C.C.R.P. 5).

(2) Each party shall have 10 minutes to present evidence and argument why their preferred school should be selected.

(3) Following the abbreviated proceeding, the presiding judge shall enter an interim school determination order pending a full hearing before the assigned judge.

Rule 1915.5. Preliminary Objections in Custody.

Preliminary objections in custody are excluded from the procedure found in C.C.R.P. 1028 and shall be handled by the assigned judge.

CHAPTER VII. DIVORCE

Rule 1920.12. Preliminary Objections in Divorce.

Preliminary objections in divorce matters are excluded from the procedure found in C.C.R.P. 1028 and shall be handled by the assigned judge.

Rule 1920.42. Praecipes to Transmit Record.

All Praecipes to Transmit Record filed pursuant to Rule 1920.42 shall include a proposed order or decree.

Rule 1920.51-1. Appointment of Divorce Hearing Officer for Discovery.

(a) Either party may request the appointment of the Divorce Hearing Officer for the purposes of resolving discovery disputes and settlement prior to (or in limited situations, after) the entry of an order approving grounds for divorce. All divorce discovery disputes prior to the entry of a final divorce decree shall be handled by the Divorce Hearing Officer. The party requesting the appointment shall pay to the Prothonotary an initial administrative fee as listed on the Prothonotary's Fee Schedule, although this fee may be reapportioned between the parties by the Hearing Officer or waived following a motion to the Court demonstrating good cause.

(b) *Appointment.*

(1) The party seeking appointment shall use the form and proposed order for Motion to Appoint the Divorce Hearing Officer for Discovery and Settlement prescribed by the Court and available on the Court Website.

(2) The completed motion and proposed order shall be filed with the Prothonotary and served upon the other party.

(3) The other party shall have 30 days from the date of service of the Motion to file a response, including any discovery issues the respondent believes should also be addressed by the Hearing Officer. Failure to timely respond may result in the Hearing Officer recommending the requested relief without a Conference or Hearing.

(c) *Initial Conference.*

(1) Within 10 days following receipt of the appointment order, the Hearing Officer will schedule an initial conference with counsel (and the parties if one or more are unrepresented).

(2) If an agreement is reached (on discovery or global resolution), the Hearing Officer will file a Memorandum outlining the agreement. This Memorandum will be assigned to a judge for entry as an Order of Court.

(3) The appointment of the Divorce Hearing Officer will terminate automatically upon the filing of the Memorandum.

(d) *Hearing.*

(1) If no agreement is reached at the initial conference, the Divorce Hearing Officer will schedule a hearing. Proof of hearing notice (as well as proof of notice of any continued or additional hearing dates) shall be filed of record.

(2) Following the hearing, the Divorce Hearing Officer will file and serve a Report and Recommendation outlining the required exchange of discovery, as well as an apportionment of the fees for appointment, if appropriate.

(3) The appointment of the Divorce Hearing Officer will terminate automatically upon the filing of the Report and Recommendation.

(e) *Exceptions.*

(1) Exceptions to a Discovery Report and Recommendation will follow the procedures outlined in Pa.R.C.P. 1920.55-2.

(2) If exceptions are filed, the Prothonotary shall promptly forward the case to the Court Administrator who shall assign them to a judge.

(3) If no timely exceptions are filed, the Report and Recommendation will be assigned to a judge for entry as an Order of Court.

(f) *Contempt.*

(1) If either party fails to abide by a Memorandum or Report and Recommendation, the aggrieved party may file the form and proposed order for Motion to Appoint the Divorce Hearing Officer for Discovery and Settlement.

(2) The Divorce Hearing Officer will be reappointed and will follow the same procedures outlined above.

(3) The Divorce Hearing Officer is authorized to recommend contempt sanctions, including, but not limited to: apportionment of the appointment fees, preclusion of evidence at future hearings, and awarding of counsel fees.

Rule 1920.51-2. Appointment of Divorce Hearing Officer for Ancillary Claims.

(a) Once discovery is substantially complete and all prerequisites have been established, either party may request the appointment of the Divorce Hearing Officer for the purposes of resolving alimony, equitable division of marital property, counsel fees, and costs and expenses. "Substantially complete," as used here, means that both parties have all documents and other information necessary to proceed to trial, except for recent pay statements, updated account statements, and proof of change of circumstances that may be provided before the hearing. The party requesting the appointment shall pay to the Prothonotary an initial administrative fee as listed on the Prothonotary's Fee Schedule, although this fee may be reapportioned between the parties by the Hearing Officer or waived following a motion to the Court demonstrating good cause.

(b) *Appointment.*

(1) The party seeking appointment shall use the form and proposed order for Motion to Appoint the Divorce Hearing Officer for Ancillary Claims prescribed by the Court and available on the Court Website.

(2) The completed motion and proposed order shall be filed with the Prothonotary and served upon the other party.

(3) If all prerequisites are met, the Court will enter an order appointing the Hearing Officer and directing the filing of initial pre-trial statements.

(c) *Preliminary Conference.*

(1) Within 10 days following receipt of the appointment order, the Hearing Officer will schedule a pre-hearing conference with counsel (and the parties if one or more are unrepresented).

(2) At this conference, the Divorce Hearing Officer will address all outstanding pre-trial matters.

(3) If an agreement is reached or there are action steps required by either party prior to the next proceeding, the Hearing Officer will file a Memorandum outlining the agreement and/or next steps. This Memorandum will be assigned to a judge for entry as an Order of Court.

(d) *Settlement Conference.*

(1) If no agreement is reached at the Preliminary Conference, the Hearing Officer will schedule a Settlement Conference with the parties and counsel.

(2) If an agreement is reached or there are action steps required by either party prior to the next proceeding, the Hearing Officer will file a Memorandum outlining the agreement and/or next steps, including scheduling additional settlement conferences if needed. This Memorandum will be assigned to a judge for entry as an Order of Court.

(e) *Hearing.*

(1) If no agreement can be reached, the Divorce Hearing Officer will promptly schedule hearings as necessary and set deadlines for updated, comprehensive pre-trial statements and exchange of exhibits. Proof of hearing notice (as well as proof of notice of any continued or additional hearing dates) shall be filed of record.

(2) Following the hearing(s), the Divorce Hearing Officer will file and serve a Final Report and Recommendation addressing all outstanding economic claims, as well as an apportionment of the fees for appointment if appropriate.

(3) The appointment of the Divorce Hearing Officer will terminate automatically following the filing of the Final Report and Recommendation.

(f) *Exceptions.*

(1) Exceptions to a Report and Recommendation will follow the procedures outlined in Pa.R.C.P. 1920.55-2.

(2) If exceptions are filed, the Prothonotary shall promptly forward the cases to the Court Administrator who shall assign them to a judge of the Court of Common Pleas.

(3) If no timely exceptions are filed, the Report and Recommendation will be assigned to a judge for entry as an Order of Court.

(g) *Contempt.*

(1) If, at any point, either party fails to comply with written directives of the Hearing Officer, upon Motion, or sua sponte, the Hearing Officer may continue the matter or recommend contempt sanctions, including, but not limited to: apportionment of the appointment fees, preclusion of evidence at future hearings, and awarding of counsel fees.

(2) The recommendation for sanctions may be made at the conclusion of the action or on an interim basis if the failure to comply is resulting in unjustifiable delay, prejudice to the other party, or both.

(h) *Vacating the Hearing Officer.*

(1) If the parties withdraw or settle all claims pending before the Hearing Officer, a Motion to Vacate Hearing Officer shall be filed prior to entry of the final divorce decree.

(2) The Motion shall include the position of the opposing party, allegations or attachments demonstrating that all matters pending before the Hearing Officer have been resolved, and a proposed order vacating the Hearing Officer.

CHAPTER VIII. DEPOSITIONS AND DISCOVERY

Rule 4001. Discovery Motions.

All motions and petitions regarding discovery in civil cases, including, but not limited to, motions to compel, for protective orders and for sanctions, shall be filed, with the Prothonotary who will transmit the motion/petition to the Court Administrator for assignment to a judge or Discovery Hearing Officer. Any answer or response to an order or rule shall be filed and assigned in the same manner.

Rule 4005. Number of Interrogatories, Requests for the Production of Documents, and Request for Admissions.

(a) Interrogatories, requests for the production of documents, and/or requests for admissions to a party as a matter of right, shall not exceed forty (40) in number for each type.

(b) Interrogatories, requests for the production of documents, and/or requests for admissions inquiring as to the names and locations of witnesses, or the existence, location and custodian of documents or physical evidence each shall be construed as one (1) interrogatory, request for the production of documents, and request for admission. All other interrogatories, requests for the production of documents, and/or requests for admissions, including subdivisions or one numbered interrogatory, request for the production of documents, and/or request for admissions, shall be construed as separate interrogatories, requests for the production of documents, and/or requests for admissions.

(c) If counsel for a party believes that more than forty (40) interrogatories, requests for the production of documents, and/or requests for admissions are necessary, they shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories, requests for the production of documents, and/or requests for admissions. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the party seeking to submit additional interrogatories, requests for the production of documents, and/or requests for admissions shall file a motion with the court showing the necessity for relief.

CHAPTER IX. PROTECTION FROM ABUSE

Rule 6113.1. Private Criminal Complaints.

The filing of private criminal complaints, alleging criminal contempt of a Protection from Abuse Order as authorized by 23 P.S. 6113.1, shall be filed with the District Attorney of Cumberland County.

Rule 6114(c). Notification upon Release.

(a) The Warden of the Cumberland County Prison shall use all reasonable means to immediately notify the victim sufficiently in advance of the release of the offender from any incarceration imposed under a Protection from Abuse Action or contempt. Notification shall be required for work release, furlough, medical leave, community service, discharge, escape and recapture. Notification shall include the terms and conditions imposed on any temporary release from custody.

(b) The plaintiff must keep the Warden of the Cumberland County Prison advised of contact information; failure to do so will constitute waiver of any right to notification under this section.

ORPHANS' COURT

CHAPTER I. PRELIMINARY RULES.

Rule 1.6. Mediation by Agreement, Local Rule, or Court Order.

All interested parties in a matter may use mediation to resolve issues pending before the Court, and, upon either partial or complete resolution, may petition the Court to approve the agreement of all interested parties as an order or decree of the Court.

(a) The interested parties may engage the services of a mediator, either prior to or after any interested party has filed a Pleading before the Court, including an account filed by a fiduciary.

(b) Upon the filing of a Pleading before the Court, including an account filed by a fiduciary, the Clerk may provide the filing party with generic information, regarding availability of mediation for the resolution of disputes prior to adjudication by the Court.

(c) The filing party may provide such information to other interested parties. The information, which does not bind the Court, and which may be in the form of a standard brochure, should include:

- (1) A brief description of the mediation process;
 - (2) The anticipated benefits of mediation for litigants and associated professionals; and
 - (3) Contact information to initiate mediation.
- (d) All the interested parties in a matter docketed before the Court may request to engage in mediation at any time during the pendency of the matter.
- (e) In such request for mediation, all interested parties shall identify:
- (1) The proposed mediator and the proposed source of payment of fees and costs of the mediator;
 - (2) Names and contact information of all interested parties and any counsel who shall participate in the mediation;
 - (3) Names and information regarding any interested parties having diminished capacity or a legal disability, whose interests must be adequately protected; and
 - (4) The scheduled date for the initial mediation conference.
- (f) All interested parties shall execute an agreement for confidential mediation, which is not inconsistent with this local rule, and which shall remain confidential.
- (g) Mediation shall not delay the required filing of any Pleading or ordered return dates, or the scheduling of Court hearings, unless specifically requested by joinder of the interested parties and so ordered by the Court.
- (h) The Court will respect the confidentiality of the mediation process and of the mediator's obligation of confidentiality.
- (i) Upon completion of mediation, all interested parties shall sign a memorandum of principal terms, which either shall acknowledge that no resolution was reached, or shall embody the resolutions attained. This memorandum of principal terms shall clearly state partial resolutions or complete resolution attained. The memorandum of principal terms shall include a list of unresolved issues to be determined by the Court. Where appropriate, the principal terms could provide for future review in light of changed circumstances or a change in the operative facts. The memorandum of principal terms agreed upon, or the statement of no resolution, shall be filed with the Court.
- (j) In no event shall the terms agreed upon depart from or violate any provisions of applicable law, specifically including the Older Adults Protective Services Act, the Act of Dec. 18, 1996, P.L. 1125, No. 169 (35 P.S. §§ 10225.101—10225.5102), as may be amended.
- (k) The interested parties may request that the Court approve the final mediated agreement, which embodies the principal terms agreed upon in the memorandum referenced above. The Court may grant approval in an order or decree. Alternatively, the Court may recommend any changes that the Court deems appropriate for approval. The parties to the mediation may accept the Court's recommendations, in which event the terms agreed upon, as modified, shall be approved, or the parties may decline to accept the Court's recommendations, in which event the matter is deemed not to have resulted in an agreement.

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Rule 2.6. Filing with the Clerk.

(a) Accounts to be confirmed shall be filed not later than 4:30 p.m. (Eastern Prevailing Time) of the fifth Friday preceding the date fixed for confirmation of accounts.

(b) The Court Calendar, including the dates for confirmation of accounts, shall be determined in accordance with C.C.R.P. 5.

(c) Advertisement by the Clerk as required by PEF Code § 745, shall be in the *Cumberland Law Journal* and *The Sentinel*.

(d) The advertisement of the account shall indicate whether a statement of proposed distribution is included.

Rule 2.9. Confirmation of Accounts; Awards.

If no objections are filed to the statement of proposed distribution, the Court may, on the day fixed for the presentation thereof, make a final decree directing distribution in accordance with the statement of proposed distribution.

Rule 2.11. Appointment of Official Examiners.

Rules pertaining to auditors and hearing officers in Chapter IX of Pa. Orphans' Court Rules shall extend to official examiners insofar as applicable.

CHAPTER III. PETITION PRACTICE AND PLEADING

Rule 3.4. Form of Petition; Exhibits; Consents; Signing and Verification.

Where notice of the entry of any decree is required, the petitioner or moving party shall include in the proposed decree, the names of all parties or their counsel, if represented, who are required to be notified of the proposed decree, and shall provide the Clerk with stamped envelopes addressed to the said parties or their counsel, if represented.

Rule 3.7. Time for Filing and Service of Responsive Pleadings.

Disposition of Matters after Pleadings are Closed—No Answer. If no responsive pleading is filed, upon proof of service of the citation or notice and the petition, the Court may grant the desired relief requested.

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule 5.16. Small Estates.

Petitions for settlement of small estates under PEF Code § 3102 shall set forth:

- (a) The name and address of the petitioner and petitioner's relationship to the decedent;
- (b) The name, date of death and domicile of decedent;
- (c) Whether the decedent died testate or intestate, the date of the probate of the will, if applicable, and the date of grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount of the bond;
- (d) The name and relationship of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under PEF

Code § 3101, or otherwise, and whether any of them is a minor, incapacitated or deceased with the name of his fiduciary, if any;

(e) The person(s), if any, entitled to the family exemption and, if a claim therefore is made in the petition, any additional facts necessary to establish the right to the family exemption;

(f) An inventory of the real and personal estate of the decedent, the value ascribed to each item, either incorporated in the petition or attached as an exhibit;

(g) A list showing the nature, amounts and preferences of all unpaid claimants against the estate and indicating which claims are admitted;

(h) If any unpaid beneficiary, heir or claimant has not joined in the petition, a statement that notice of the intention to present the petition has been given as required by Pa.R.O.C.P. 4.2; and

(i) A prayer for distribution of the personal property to those entitled, and in appropriate cases, for the discharge of the personal representative.

(j) There shall be attached to the petition the following exhibits:

(1) The original of the decedent's will if it has not been probated, or a copy thereof if it has been probated;

(2) The joinders or consents of unpaid beneficiaries, heirs and claimants insofar as they are obtainable;

(3) An itemized list of disbursements made prior to the filing of the petition, indicating the payee and whether the disbursements were in payment of administration expenses, preferred or ordinary debts, items of distribution or the family exemption; and

(4) A certificate of the Register showing the status of payment of the inheritance tax.

(k) No appraisal shall be required unless ordered by the Court.

CHAPTER VII. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE

Rule 7.5. Legal Argument.

(a) Preliminary objections and other filings requiring briefing and/or oral argument shall be handled by the judge assigned to the matter.

(b) Upon receipt of objections, or upon request of either party, the assigned judge shall issue an order setting a briefing schedule and, if necessary, a date for oral argument before the assigned judge.

CHAPTER IX. AUDITORS AND MASTERS

Rule 9.1. Notice of Hearings.

(a) On appointment, the auditor shall schedule a hearing and give notice thereof to all parties in interest at least twenty days prior to the hearing in accordance with Chapter IV of the Pa. Orphans' Court Rules.

(b) Rules pertaining to auditors shall extend to hearing officers insofar as applicable.

Rule 9.2. Filing of Report.

Reports of auditors and hearing officers shall be filed with the Clerk.

Rule 9.6. Notice of Filing of Report.

The auditor or hearing officer shall give notice of filing the report to all interested parties.

Rule 9.7. Confirmation of Report.

(a) If no objections are filed, the Clerk shall transmit the auditor's report to the Court for confirmation. If objections are filed, the Court shall, after argument, make such disposition as the Court shall determine.

(b) Objections to the auditor's report shall be filed with the Clerk within twenty days after service of the notice of filing of said report. Objections shall be specific as to the basis of the objections whether as to the findings of fact or conclusions of law, or both.

(c) If objections are filed, any interested party may request a briefing schedule and/or argument in accordance with C.C.R.O.C.P. 7.5.

CRIMINAL

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Cumberland County having filed a certification pursuant to Pa.R.Crim.P. 202A, all applications for search warrants must be reviewed and approved by an attorney for the Commonwealth before being presented to and/or issued by any judicial officer. This approval will be noted on the search warrant application with an "approval number" that includes the approving attorney's initials.

Rule 456. Summary Warrants.

(a) Central Booking is available during defined time periods to hold defendants with summary warrants that police encounter during their normal course of duty or constables executing warrants issued to them directly by a magisterial district judge.

(b) *Defined hours:* Sunday through Thursday during non-court hours. Central Booking will not accept defendants with summary warrants on Friday, Saturday, and County holidays. At any time during the defined hours that Central Booking may experience full capacity, police and/or constables will be informed of a temporary suspension of acceptance of Summary Warrant defendants over the 911 Police Radio System.

(c) This policy does not pertain to juvenile defendants with summary warrants. Juvenile defendants with summary warrants will not be accepted at Central Booking.

(d) In the event that Central Booking is able to ascertain that the defendant has a medical or medication issue that puts them at risk during holding, Central Booking will issue a Payment Determination Hearing Notice and immediately release the defendant. An officer or constable serving a summary warrant should ask the defendant if they require life-sustaining medication over the period of time until the defendant might be released (the next day). If the defendant indicates that they do require life-sustaining medication, the officer or constable should inform Central Booking of this as soon as possible, so that Central Booking can make a release determination, as described above.

(e) If the defendant suffers a medical episode while in Central Booking, the defendant will be released to EMS.

(f) Central Booking will complete an Intake form on each defendant brought in on a summary warrant so that updated contact information is collected.

(g) *Warrant Procedures:*

(1) *Summary Warrants for Non-Payment:*

(i) Per this policy, warrants not issued to a constable for service by an MDJ should be verified on AOPC <https://ujportal.pacourts.us/>.

(ii) For verified active warrants, the defendant's case attached to the warrant can be located at <https://ujportal.pacourts.us/> by accessing ePay. You will need the defendant's first name, last name, and DOB. Select MDJ cases and the case associated with the warrant.

(iii) The defendant must pay the amount necessary to bring the payment plan on the warrant's case up to date. If the delinquent payment amount cannot be made in full at the time of service, the defendant may be transported to Central Booking.

(iv) *For constables:* A Fee bill must be attached to the warrant paperwork at Central Booking in order to facilitate proper addition of fees to the defendant's case. Central Booking will forward the Fee bill to the magisterial district judge for review and assessment.

(v) The defendant will be held at Central Booking until either a. A release amount as defined in this policy can be paid, or b. the issuing magisterial district judge is informed and makes a determination of action.

(vi) *Release Policy:* The Central Booking Center will release defendants immediately when the following release amounts are met:

(vii) The release amount will be based on the delinquent payment amount as determined through AOPC's ePay system. If the full amount of the delinquent payment plan is under \$200, delinquent payment amount must be paid in full.

(viii) If the full amount of the delinquent payment plan is \$200 or over, the minimum amount of \$200 or 50% of the total, whichever is greater, must be paid.

(ix) If the defendant has multiple summary warrants, the total of all warrants delinquent payment plans will determine the release amount. If the total of all of the amounts owed on all cases exceeds \$1000.00, the defendant must pay a minimum of \$500. That amount should be put towards the oldest case first, next oldest, etc.

(x) A chart of release amounts is attached to this policy.

(xi) If the release amount is met, but bringing the payment plan into current status is not equal to the full amount owed on the warrant, the defendant will be given a Payment Determination Hearing Notice scheduling such hearing on a weekday and time selected by each magisterial district judge for their cases. This date shall be not less than 2 weeks following release (providing at least 10 days notice per Rule 456).

(xii) Central Booking will email a copy of the receipt and the hearing notice, if applicable, to the magisterial district judge to notify them of the payment and release. The magisterial district judge shall clear the warrant.

(xiii) If the defendant is not able to make the release amount, Central Booking may still collect a lesser amount towards the summary warrant total. The defendant will be held until court hours the next morning and the issuing magisterial district judge is informed and makes a determination of action.

(xiv) No defendant shall be committed without following the steps outlined in Title 42 Pa.C.S. 4137 for sections (a3) and (a4). After issuance of a warrant, bail and a contempt hearing shall be set. If imprisonment is a possibility, hearings should be set on Public Defender day. For District Courts that regularly schedule hearings in only the morning or afternoon on PD day, select a time that corresponds with the Public Defender's normal schedule (am or pm).

(2) *Summary Warrants for Failure to Respond:*

(i) Per this policy, warrants not issued to a constable for service by an MDJ should be verified on AOPC <https://ujportal.pacourts.us/>.

(ii) Pursuant to Rule 431, the police officer or constable serving the warrant shall:

(A) Accept a signed guilty plea and the full amount of fines and costs if stated on the warrant;

(B) Accept a signed not guilty plea and the full amount of the collateral on the warrant if stated on the warrant; or

(C) If the defendant is unable to pay the full amount of fines and costs or the defendant is unable to pay the collateral, transport the defendant to Central Booking.

(iii) Signed plea paperwork shall be forwarded to the MDJ office. The magisterial district judge shall clear the warrant.

(iv) *For constables:* A Fee bill must be attached to the warrant paperwork at Central Booking in order to facilitate proper addition of fees to the defendant's case. Central Booking will forward the Fee bill to the magisterial district judge for review and assessment.

(v) *Release Policy:* The Central Booking Center will release defendants immediately when the following release amounts are met:

(A) For a guilty plea, after completing the plea paperwork the defendant will be released.

(B) [Deleted]

(C) If the defendant has multiple summary warrants for Failure to Respond, the total of all warrants' fines and costs will determine the release amount. If the total of all of the amounts owed on all cases exceeds \$1000.00, the defendant must pay a minimum of \$500. That amount should be put towards the oldest case first, next oldest, etc.

(D) If the release conditions are met, but the full amount of fines and costs is not paid, the defendant will be given a Payment Determination Hearing Notice for a date and time selected by each magisterial district judge for their cases for the following week.

(E) For not guilty pleas, 100% of the collateral, if stated on the warrant, must be paid.

(vi) If a defendant has summary warrants for Failure to Pay and Failure to Respond, apply the appropriate policy to each type, separately.

(vii) Central Booking will email a copy of the signed receipt, signed plea paperwork, and any hearing notices to the magisterial district judge to notify them of the payment and release. The magisterial district judge shall clear the warrant.

(viii) If the defendant cannot meet the release amount or the collateral, the magisterial district judge shall conduct a bench warrant hearing. If the magisterial district judge is unavailable, please refer to (g)(3). (Release without payment).

(3) *Release without payment:* Central Booking will email the Magisterial District Office that a defendant is being held on a summary warrant. If the Magisterial District Office has not contacted Central Booking regarding holding a bench warrant hearing for the defendant by noon the following day, the defendant will be released with a Payment Determination Hearing Notice scheduling such hearing on a weekday and time selected by each

magisterial district judge for their cases. This date shall be not less than 2 weeks following release (providing at least 10 days' notice per Rule 456).

(4) *Collection of Money:*

(i) Warrants must clearly establish the total amount owed or collateral amount. If a Failure to Respond Warrant has no fines and costs or collateral listed, you should accept the guilty plea or not guilty plea without payment and forward to the magisterial district judge per the policy below ("Upon facilitating payment" and "When a warrant is served and payment is facilitated"). The amount paid shall be "warrant satisfied".

(ii) Each Police Department may determine if they will facilitate the monetary satisfaction of the warrant as described below. If a department does not want to participate in the payment process, the defendants may be transported to Central Booking.

(iii) *For Failure to Pay:* Police or Constables serving a warrant and facilitating collection may assist the defendant to make a payment through AOPC's ePay (<https://ujportal.pacourts.us/>).

(iv) *For Failure to Respond:* Police or constables serving a warrant and facilitating collection may assist the defendant to make a payment through the Valu Payment System.

(v) Upon facilitating payment, the defendant should be given a copy of the warrant as a receipt with the following information:

- (A) Amount Paid
- (B) Date
- (C) Officer/Constable Name and Signature
- (D) Identifying Badge # /Constable Id
- (E) Signature of Defendant

(vi) When a warrant is served and payment is facilitated by an officer or a constable, the issuing MDJ Office must be informed by the police officer or constable via email that the warrant has been served, and the amount paid, so that the warrant can be cleared from the system. The magisterial district judge shall clear the warrant. A copy of the receipt must be forwarded to the magisterial district judge.

(vii) At Central Booking, defendants will be allowed to use the phone to make calls to obtain payments.

(viii) Central Booking will utilize ePay and Official payments as detailed above.

(ix) Cash payments collected at Central Booking will be receipted per booking policy and payments will be submitted to Magisterial District Court 09-2-02 for processing.

(x) Magisterial District Court 09-2-02 shall enter the information as a new case and provide a refund to the originating MDJ's office.

(A) Enter district court number 09-2-02. Click on Payment Icon that says "Receipt by Responsible Participant."

(B) The "Responsible Participant" entered is the Court receiving the payment.

(C) It will then say that there is no balance due.

(D) Click "Add" and a new screen appears.

(E) In "Assessment Category" choose "Escrow"

(F) For "Assessment Type" choose "Night Court Payment"

(G) For "Assessment Amount" type in the amount collected

(H) There is a place for docket number, which is the case that had the warrant.

(I) In the comments, we would put "Warrant served for _____ defendant. _____ amount collected."

(5) Procedure for Central Booking when a defendant comes in with a Fingerprint Order and is found to have a summary warrant:

(i) If the defendant is currently housed in another institution, Central Booking will notify the magisterial district judge by faxing a copy of the warrant with the name of the institution on it.

(ii) If the defendant comes in during business hours on a Fingerprint Order or on a View Arrest and they have a Summary Warrant:

(A) If the defendant has the cash or the ability to pay via a credit card, Central Booking will collect the payment.

(B) If the defendant does not have the ability to pay, Central Booking will contact the Constable for that MDJ and request that they pick the defendant up and take him to the MDJ's Office. If the Constable is not available, Central Booking will issue a Payment Determination Hearing Notice.

(C) If the defendant enters Central Booking and he or she has children in the car, Central Booking will attempt to collect payment as detailed above, but will issue a Payment Determination Hearing Notice if the defendant is unable to pay.

(6) Procedure for Cumberland County Prison when a defendant is incarcerated on another matter and has summary warrants:

(i) Cumberland County Prison will provide the defendant with a Payment Determination Hearing Notice upon release, along with a receipt copy of the warrant, documenting "Payment Determination Hearing Notice has been served, date of release, and correction officer signature."

(ii) Cumberland County Prison will notify the applicable magisterial district judge that the defendant has been issued a Payment Determination Hearing Notice. The magisterial district judge will then cancel the warrant.

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Cumberland County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one (1) or more of the following offenses:

(a) The following offenses set forth in Chapter 9 of the Pennsylvania Crimes Code entitled "Inchoate Crimes":

(1) Corrupt Organizations in violation of 18 Pa.C.S. § 911;

(b) All offenses set forth in Chapter 25 of the Pennsylvania Crimes Code entitled "Criminal Homicide";

(c) All offenses set forth in Chapter 26 of the Pennsylvania Crimes Code entitled "Crimes Against Unborn Child";

(d) The following offenses set forth in Chapter 27 of the Pennsylvania Crimes Code entitled "Assault":

(1) Aggravated Assault in violation of 18 Pa.C.S. § 2702;

(2) Discharge of Firearm into an Occupied Structure in violation of 18 Pa.C.S. § 2707.1;

(3) Stalking in violation of 18 Pa.C.S. § 2709.1;

(4) Ethnic Intimidation in violation of 18 Pa.C.S. § 2710;

(5) Neglect of a Care-Dependent Person in violation of 18 Pa.C.S. § 2713;

(6) Abuse of a Care-Dependent Person in violation of 18 Pa.C.S. § 2713.1;

(7) Threat to Use Weapons of Mass Destruction in violation of 18 Pa.C.S. § 2715;

(8) Weapons of Mass Destruction in violation of 18 Pa.C.S. § 2716;

(9) Strangulation in violation of 18 Pa.C.S. § 2718;

(e) All offenses set forth in Chapter 29 of the Pennsylvania Crimes Code entitled "Kidnapping";

(f) All offenses set forth in Chapter 30 of the Pennsylvania Crimes Code entitled "Human Trafficking";

(g) All offenses set forth in Chapter 31 of the Pennsylvania Crimes Code entitled "Sexual Offenses";

(h) All offenses set forth in Chapter 32 of the Pennsylvania Crimes Code entitled "Abortion";

(i) The following offenses set forth in Chapter 33 of the Pennsylvania Crimes Code entitled "Arson, Criminal Mischief and Other Property Destruction:"

(1) Arson and Related Offenses in violation of 18 Pa.C.S. § 3301;

(j) The following offenses set forth in Chapter 35 of the Pennsylvania Crimes Code entitled "Burglary and Other Criminal Intrusion:"

(1) Burglary in violation of 18 Pa.C.S. § 3502;

(k) The following offenses set forth in Chapter 37 of the Pennsylvania Crimes Code entitled "Robbery";

(1) Robbery in violation of 18 Pa.C.S. § 3701;

(2) Robbery of Motor Vehicle in violation of 18 Pa.C.S. § 3702;

(l) The following offenses set forth in Chapter 41 of the Pennsylvania Crimes Code entitled "Forgery and Fraudulent Practices:"

(1) Fraudulent Destruction, Removal or Concealment of Recordable Instruments in violation of 18 Pa.C.S. § 4103;

(2) Deceptive or Fraudulent Business Practices in violation of 18 Pa.C.S. § 4107;

(3) Insurance Fraud in violation of 18 Pa.C.S. § 4117;

(4) Washing Vehicle Titles in violation of 18 Pa.C.S. § 4118;

(m) All offenses set forth in Chapter 43 of the Pennsylvania Crimes Code entitled "Offenses Against the Family;"

(n) All offenses set forth in Chapter 47 of the Pennsylvania Crimes Code entitled "Bribery and Corrupt Influence;"

(o) All offenses set forth in Chapter 49 of the Pennsylvania Crimes Code entitled "Falsification and Intimidation";

(p) All offenses set forth in Chapter 51 of the Pennsylvania Crimes Code entitled "Obstructing Governmental Operations;"

(q) The following offenses set forth in Chapter 55 of the Pennsylvania Crimes Code entitled "Riot, Disorderly Conduct and Related Offenses:"

(1) Riot in violation of 18 Pa.C.S. § 5501;

(2) Abuse of Corpse in violation of 18 Pa.C.S. § 5510;

(3) Gambling Devices, Gambling, Etc. in violation of 18 Pa.C.S. § 5513;

(4) Facsimile Weapons of Mass Destruction in violation of 18 Pa.C.S. § 5516;

(r) All misdemeanor and felony offenses set forth in Chapter 55, Subchapter B of the Pennsylvania Crimes Code entitled "Cruelty to Animals";

(s) All offenses set forth in Chapter 57 of the Pennsylvania Crimes Code entitled "Wiretapping and Electronic Surveillance";

(t) The following offenses set forth in Chapter 59 of the Pennsylvania Crimes Code entitled "Public Indecency:"

(1) Prostitution and Related Offenses in violation of 18 Pa.C.S. § 5902;

(2) Obscene and Other Sexual Material and Performances in violation of 18 Pa.C.S. § 5903;

(3) Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms in violation of 18 Pa.C.S. § 6105;

(4) Firearms Not to be Carried Without a License in violation of 18 Pa.C.S. § 6106;

(5) Sale or Transfer of Firearms in violation of 18 Pa.C.S. § 6111;

(u) The following offenses set forth in Chapter 63 of the Pennsylvania Crimes Code entitled "Minors":

(1) Corruption of Minors in violation of 18 Pa.C.S. § 6301;

(2) Sexual Abuse of Children in violation of 18 Pa.C.S. § 6312;

(3) Unlawful Contact with Minors in violation of 18 Pa.C.S. § 6318;

(4) Solicitation of Minors to Traffic Drugs in violation of 18 Pa.C.S. § 6319;

(5) Sexual Exploitation of Children in violation of 18 Pa.C.S. § 6320;

(6) Transmission of Sexually Explicit Images by Minor in violation of 18 Pa.C.S. § 6321;

(v) The following offenses set forth in Chapter 75 of the Pennsylvania Crimes Code entitled "Other Offenses":

(1) Invasion of Privacy in violation of 18 Pa.C.S. § 7507.1;

(2) Operation of Methamphetamine Laboratory in violation of 18 Pa.C.S. § 7508.2;

(w) All offenses set forth in Chapter 76 of the Pennsylvania Crimes Code entitled "Computer Offenses";

(x) All offenses set forth in Chapter 77 of the Pennsylvania Crimes Code entitled "Vehicle Chop Shot and Illegally Obtained and Altered Property";

(y) The following offenses set forth in Chapter 63 of the Pennsylvania Domestic Relations Code entitled “Child Protective Services”;

(1) Failure to Report Child Abuse by Mandated Reporter in violation of 23 Pa.C.S. § 6319;

(z) The following offenses set forth in Chapter 9 of the Pennsylvania Fish and Boat Code entitled “Enforcement”;

(1) Resisting or Interfering with a Game Officer in violation of 30 Pa.C.S. § 904;

(2) Homicide by Watercraft while DUI in violation of 30 Pa.C.S. § 5502.1;

(3) Homicide by Watercraft in violation of 30 Pa.C.S. § 5502.2;

(aa) The following prohibited acts set forth in “The Controlled Substance, Drug Device and Cosmetic Act”:

(1) Acquisition of Controlled Substance by Fraud in violation of 35 P.S. § 780-113(a)(12);

(2) Delivery by Practitioner in violation of 35 P.S. § 780-113(a)(13);

(3) Unlawful Delivery or Possession with Intent to Deliver a Controlled Substance in violation of 35 P.S. § 780-113(a)(30);

(4) Illegal Sale of Non-Controlled Substance in violation of 35 P.S. § 780-113(a)(35);

(5) Designer Drugs in violation of 35 P.S. § 780-113(a)(36);

(bb) All violations of 73 P.S. §§ 517.1—517.19 entitled “Home Improvement Consumer Protection Act”;

(cc) The following offenses under the Pennsylvania Motor Vehicle Code:

(1) Homicide by Vehicle in violation of 75 Pa.C.S. § 3732;

(2) Aggravated Assault by Vehicle in violation of 75 Pa.C.S. § 3732.1;

(3) Fleeing or Attempting to Elude Police Officers in violation of 75 Pa.C.S. § 3733;

(4) Homicide by Vehicle While DUI in violation of 75 Pa.C.S. § 3735;

(5) Aggravated Assault by Vehicle While DUI in violation of 75 Pa.C.S. § 3735.1;

(6) Accidents Involving Death or Personal Injury (Felony Only) in violation of 75 Pa.C.S. § 3742;

(7) Accidents Involving Death or Personal Injury While Not Properly Licensed in violation of 75 Pa.C.S. § 3742.1.

Rule 526. Reinstatement of Bail Bond.

In accordance with 42 Pa.C.S. § 5747.1(b)(2), a bail bondsman shall not be continued by the court as surety on reinstated bail unless a written consent is signed by the bail bondsman agreeing to such extension of suretyship.

Rule 571. Acknowledgment of Arraignment.

Every defendant shall be arraigned before a judge, before the Clerk of Court, the Clerk’s deputy or by first class mail, where the defendant is represented by counsel of record and upon timely initiative, hereinafter set forth:

(a) Arraignment shall take place at the Cumberland County Courthouse, at the Cumberland County Prison, at the State Correctional Institution at Camp Hill, by first

class mail, or at such other place as may be designated by an order of the President Judge.

(b) If defense counsel chooses to have the defendant arraigned via first class mail, then the defendant and their counsel must complete the Acknowledgment of Arraignment form as prescribed by the Court and available on the Court Website; and file the Acknowledgment of Arraignment form with the Clerk of Court before the date set for arraignment.

(c) Except when arraignment is done via first class mail, arraignment shall take place no later than ten (10) days after the information has been filed, unless waived by a defendant who has counsel, or is otherwise postponed by the court for cause shown.

(d) Defendant and counsel, if an appearance has been entered, shall receive written notice of the arraignment no later than five (5) days before the date scheduled for the arraignment.

(1) Such notice shall include a caption containing the name of the case, and the docket number and/or the offense tracking number.

(2) A completed subpoena to appear for formal arraignment shall be executed and given personally to the defendant by the District Justice following a preliminary hearing on the charges or a waiver thereof. Notice may also be given by first-class mail or in accordance with Pa.R.Crim.P. 114.

(e) If a defendant is represented by private counsel, or court-appointed counsel other than the Public Defender, defendant may appear with counsel before the Clerk of Court for arraignment anytime prior to the scheduled formal arraignment, at which time counsel shall enter a formal appearance, if an appearance has not been previously entered of record.

(f) At arraignment, the defendant shall be instructed to appear at a pretrial conference pursuant to Pa.R.Crim.P. 570 and trial.

(g) Acknowledgment of Arraignment form as prescribed by the Court and available on the Court Website shall be signed, and a copy given to defendant, on arraignments held before the Clerk of Courts or a deputy. Upon any refusal to sign the form, the Clerk or deputy shall read the form to defendant and attest to same.

Rule 576.1. Electronic Filing in Criminal Dockets.

(a) The Cumberland County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Cumberland County for certain criminal filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.Crim.P. 576.1. Electronic filing is permissive and not mandatory.

(b) As used in this rule, the following words shall have the following meanings:

(1) “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

(2) “filing party,” an attorney, defendant, or other person who files a legal paper by means of electronic filing;

(3) “legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following

documents are excluded from the definition of “legal paper” and are therefore prohibited from being filed electronically:

- (i) applications for search warrants,
 - (ii) applications for arrest warrants,
 - (iii) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
 - (iv) submissions filed ex parte as authorized by law,
 - (v) submissions filed or authorized to be filed under seal, and
 - (vi) exhibits offered into evidence, whether or not admitted, in a court proceeding;
 - (vii) Notices of Appeal, which must be filed directly with the Clerk of Courts in physical paper format.
- (4) “original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and
- (5) “the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.
- (c) Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.
- (d) Applicable filing fees for the electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.
- (e) A party who was granted In Forma Pauperis status shall not pay filing fees to the Clerk of Courts.
- (f) All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.
- (g) *Service of Legal Papers.*

(1) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(2) Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P. 576. Specifically, the following offices must be served in accordance with Rule 576: Sheriff, Probation Services, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

(3) Service upon an attorney or defendant participating in the system shall be done electronically.

Rule 600. Criminal Trial List.

The Criminal Trial List shall be maintained and distributed by the Court Administrator.

Rule 700. Sentencing Judge.

The sentence on a plea guilty or nolo contendere may be imposed by a judge other than the judge who received the plea of guilty or nolo contendere. In such event, the defendant must have been so notified at the time of entering the plea.

DELINQUENCY AND DEPENDENCY MATTERS

Rule 1205. Electronic Filing and Service of Juvenile Court Legal Papers.

(a) The Cumberland County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Cumberland County for certain Juvenile Court filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.J.P. 1205. Electronic filing is permissive and not mandatory.

(b) As used in this rule, the following words shall have the following meanings:

(1) “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

(2) “filing party,” an attorney or other person who files a legal paper by means of electronic filing;

(3) “legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following documents are excluded from the definition of “legal paper” and are therefore prohibited from being filed electronically:

- (i) Submissions filed ex parte as authorized by law;
- (ii) exhibits offered into evidence, whether or not admitted, in a court proceeding.

(iii) Notices of Appeal, which must be filed directly with the Clerk of Courts in physical paper format.

(4) “original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

(5) “the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

(c) Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Juvenile Court Procedure 1205(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

(d) All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

(e) *Service of Legal Papers.*

(1) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed. Attorneys or self-represented parties who file a proposed court order electronically or in a physical paper

format must include a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

(2) Service of legal papers on any attorney or party who has not established an account as provided in subsection (c) of this rule shall be made in accordance with Pa.R.J.C.P. 1167(B) and 1345(B). This applies to the service of court orders which shall be served by the Clerk of Courts. Orders in need of distribution to parties not automatically served via PACFile must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

RULES OF JUDICIAL ADMINISTRATION

CHAPTER I. TRANSCRIPTS

Rule 4002. Transcript Definitions.

All terms in these rules shall have the same meaning as defined in Pa.R.J.A. No. 4002. As further clarification:

(a) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(b) Transcript includes any electronic or paper record, including orders, prepared by a court reporter or court recorder of any proceeding presided over by a judge, a magisterial district judge, or a master.

(c) All transcripts fall into one of two categories regarding need and purpose:

(1) an ordinary transcript is either:

(i) required by rule because notice of appeal has been filed; or

(ii) required by order or rule to advance litigation in a matter currently before the court.

(2) a non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (c)(1) above.

(d) The terms daily, expedited, rough draft and same-day delivery all refer to variations in the delivery deadline and cost for non-ordinary transcripts.

Rule 4007. Requests for Transcripts.

(a) All requests for transcripts shall be submitted to the appropriate filing office, with a copy to the district court administrator's office, utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(b) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations). The requesting party shall also serve copies of the formal request to:

(1) the judge presiding over the matter;

(2) the court reporter, court recorder or transcriptionist;

(3) the district court administrator's office; and

(4) opposing counsel, or if not represented, the opposing party.

(c) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least

ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (b)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the court reporter or court recorder.

(d) *When a litigant requests a transcript:*

(1) The district court administrator's office will issue an invoice within six (6) business days after the receipt of the transcript request. Unless a waiver is granted pursuant to C.C.R.J.A 4008(b), the invoice shall be for a non-refundable, partial payment of 90% of the estimated transcript cost. This deposit shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County, and shall be delivered to the district court administrator's office within seven (7) calendar days from the date of the invoice. Upon receipt of the deposit by the district court administrator's office, the court reporter, court recorder or transcriptionist shall commence production of the requested transcript.

(2) Upon completion of the transcript, the court reporter, court recorder or transcriptionist shall deliver it to the district court administrator's office. The district court administrator's office will then issue a final invoice to the requester. Upon receipt of the final invoice, payment of the final balance shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County and shall be delivered to the district court administrator's office within seven (7) calendar days from the date of the invoice. Once full and final payment is received, the district court administrator's office shall provide a copy of the transcript to the requestor.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(a) *Costs:*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

(i) for an ordinary transcript, \$2.50 per page;

(ii) for an expedited transcript, \$3.50 per page, expedited transcripts are only available if the court reporter or court recorder is able to accommodate;

(iii) for a daily transcript, \$4.50 per page, daily transcripts are only available if the court reporter or court recorder is able to accommodate; and

(iv) for same day delivery, \$6.50 per page, same delivery transcripts are only available if the court reporter or court recorder is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(b) *Economic hardship—minimum standards:*

(1) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

(2) Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office.

(3) Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript.

(4) No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(5) Copies of the forms listed above shall be provided to:

- (i) The presiding judge;
- (ii) The court reporter;
- (iii) The Court Administrator's Office; and
- (iv) Opposing counsel or the opposing party if self-represented.

(c) *Copies of transcript:*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided by the appropriate filing office according to the following schedule:

- (1) \$0.50 per page bound, paper format, and,
- (2) \$0.50 per page electronic copy, not to exceed \$50.00. An additional \$20.00 fee may be charged if the copy cannot be emailed directly and needs to be transferred to another medium or multiple emails are required for file transfer.

(d) *Additional Costs:*

(1) A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary.

(2) Such surcharges are at the discretion of the trial judge.

CHAPTER II. CUSTODY OF EXHIBITS

Rule 5102. General Provisions.

The court recorder or court reporter for all, or a portion, of a court proceeding shall be designated as the "Custodian," as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding submitted during that period.

(a) If only one custodian is involved with a proceeding, they shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

(b) If multiple custodians are involved with a proceeding, the first custodian shall provide the subsequent

custodian (and so on, if more than two custodians) with the submitted exhibits and index of exhibits. The custodian at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

Rule 5103. Custody of Exhibits. Special Provisions.

(a) The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding.

(1) These non-documentary exhibits must be photographed by the proponent, converted to a letter sized document, and appropriately marked and produced during the court proceeding for inclusion in the documentary record.

(2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

(3) Unless otherwise ordered, the proponent or filing office shall maintain non-documentary exhibits for a minimum of following time periods:

i. *Non-criminal matters.* Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal if one is taken.

ii. *Criminal matters:*

- 1. Homicides. Retain exhibits 75 years.
- 2. Summary cases. Retain exhibits 5 years.
- 3. Other cases. Retain exhibits 20 years.

(b) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in Pa. Access Policy § 8.0 shall include a Confidential Document Form so that the document can be properly sealed by the record office.

[Pa.B. Doc. No. 23-1684. Filed for public inspection December 8, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment implements miscellaneous special regulations in § 65.24 (relating to miscellaneous special regulations) on the 12 stream sections that would manage brown trout with catch and release regulations and maintain Commonwealth inland water regulations for all other species with all tackle types permitted, while continuing to stock these stream sections with rainbow trout at current rates and frequency.

A. *Effective Date*

This final-form rulemaking will go into effect January 1, 2024.

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 65.24 is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the amendment are described in more detail under the summary of changes.

E. *Summary of Changes*

In the mid-2000's, productive stream sections were identified that supported high densities of wild brown trout and were being stocked by the Commission. Angler counts documented very high angler use of these stream sections in the early part of trout season, particularly on the opening day of the regular season for trout. As part of the Commission's Strategic Plan for Management of Trout Fisheries in Pennsylvania 2010—2014, Commission staff identified the need to resurvey the stream sections to determine if they supported Class A wild trout populations and designate appropriately. Inaccurate designation leads to inadequate water quality protection and inconsistent application of fisheries management strategies.

Between 2011 and 2015, biologists resurveyed 13 stream sections, and all were determined to support robust wild brown trout populations that qualified for Class A wild trout streams designation. In 2014, the Commission updated its Class A wild trout streams policy in § 57.8a (relating to Class A wild trout streams) to allow for rare circumstances in which Commission stocking could be considered and the new policy became effective January 1, 2015. Following that policy change, the ten stream sections were designated by the Commission as Class A wild trout streams in 2015 and stocking of trout continued. Three additional stocked trout water

(STW) stream sections were designated Class A wild trout streams by the Commission through January 2017, bringing the total number of Class A wild trout streams stocked by the Commission to 13.

Twelve of the 13 stream sections are managed under Commonwealth inland waters regulations in § 61.1 (relating to Commonwealth inland waters) which allow for the harvest of five trout per day, greater than or equal to 7 inches in length (combined species) from 8 a.m. on the opening day of the regular season for trout through Labor Day, catch and release from the day after Labor Day through the third Sunday in February (extended trout season) the following year and closed to all fishing from the third Monday in February until 8 a.m. on the opening day of the regular season for trout. Yellow Creek, Section 05, is the remaining stream section and is managed with catch and release fly-fishing only regulations in § 65.14 (relating to catch and release fly-fishing only). All 13 of the stream sections are stocked with adult rainbow trout only by the Commission during both preseason and in-season stocking periods, and four of the stream sections are also stocked in-season with fingerling rainbow trout only.

As part of the Commission's Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020—2024, Commission staff identified the need to collect updated biological and social data on these fisheries to inform future management of these stream sections. Deliverable tasks included: 1) by 2022, resurvey the wild brown trout populations and conduct angler use, harvest, and opinion surveys to inform fisheries management of the 13 Class A stream sections stocked with trout; and 2) between 2022 and 2024, consider options and make recommendations to the Board of Commissioners to adjust current management if the data supports alternate management to optimize these fisheries.

Commission staff resurveyed the wild brown trout populations in all 13 of the stream sections during summer 2021. Wild brown trout biomass ranged from 10 kg/ha at Little Lehigh Creek, Section 07, to 175 kg/ha at Yellow Creek, Section 05. Except for the four stream sections in the Lehigh Valley, all others supported a similar biomass in 2021 compared to the Class A qualifying surveys that were conducted between 2011 to 2015.

In addition to the brown trout population assessments, angler surveys (that is, counts and interviews with effort focused on opening day) were conducted at 11 of the 13 stream sections during 2021. A more in-depth assessment from the opening day of the regular season for trout (April 17, 2021) through Labor Day (September 6, 2021) was conducted on Bald Eagle Creek, Section 06, to evaluate angler use, catch, harvest and opinions. Yellow Creek, Section 05, was not included in the angler survey given that it is managed as a catch-and-release fishery open to year-round angling.

The angler assessments provided valuable insight regarding opinions needed to inform future management of these waters. The only management option in which most anglers (57%) were opposed was a stocking cessation. This result was not unexpected given that most anglers caught stocked rainbow trout, particularly on opening day, and this perceived sentiment was a driving factor in the continuance of stocking following Class A designation in 2015 through 2017.

On opening day of the 2021 trout season, 1,442 anglers were counted on the 12 stream sections during the 8 a.m. angler use assessments. Angler use ranged from 10 anglers per mile (25th percentile) to 91 anglers per mile (95th percentile) with 8 waters at or above the 75th percentile, 3 in the 50th percentile and 1 in the 25th percentile compared to Statewide opening day angler use data at STWs. Additionally, 866 anglers were interviewed over the course of the surveys. About 25% of anglers indicated they harvest trout at least half the time. Approximately 49% of anglers indicated they harvest both wild brown trout and stocked rainbow trout, 4% of anglers usually only harvest wild brown trout and 47% of anglers usually only harvest stocked rainbow trout.

Anglers caught and harvested more stocked rainbow trout than wild brown trout. The catch and harvest of rainbow trout on Bald Eagle Creek, Section 06, was high over the course of the survey with nearly three times more the amount of adult rainbow trout caught than were stocked and an estimated 57% of the rainbow trout stocked into this stream section harvested by anglers. The catch and harvest of wild brown trout on Bald Eagle Creek, Section 06, was also high during the survey. Anglers caught just over one and a half times more wild brown trout greater than or equal to 7 inches than were estimated to be present. Additionally, anglers harvested an estimated 23% of the wild brown trout population greater than or equal to 7 inches, of which over 35% of the trout were large (greater than or equal to 14 inches). Anglers were estimated to harvest 212 wild brown trout per mile, of which 74 per mile were greater than or equal to 14 inches. This represents a relatively high harvest of the wild brown trout population, particularly the large trout greater than or equal to 14 inches and suggests that harvest may be limiting the abundance and the size structure of the wild brown trout population in Bald Eagle Creek, Section 06.

When trout stocking occurs, it attracts substantially more harvest-oriented anglers. In Statewide surveys of this Commonwealth's stocked and wild trout streams in 2004 and 2005, Commission staff documented that stocked trout streams had greater than five times higher harvest rates than streams managed for wild trout without stocking. Given the similarities of Bald Eagle Creek, Section 06, to the 11 other Class A stream sections stocked with trout and managed with Commonwealth inland waters regulations, it is likely that similar harvest rates are occurring, and harvest is also precluding those wild brown trout fisheries from reaching their full potential and negatively impacting population size structure.

Most anglers (66%) interviewed indicated support for an alternate management approach that would require catch and release of brown trout while allowing for the continued harvest of rainbow trout under Commonwealth inland waters regulations. This would eliminate harvest mortality and could provide an opportunity for the wild brown trout population to expand, including large wild brown trout greater than or equal to 14 inches that are most desirable to anglers, while continuing to provide an opportunity for anglers to harvest stocked rainbow trout.

Given the wild brown trout population characteristics and estimated angler use, harvest and opinions determined during the recent assessment of the 12 stream sections managed as both Class A wild trout stream sections and STWs, Commission staff propose implementing a miscellaneous special regulation (See § 65.24) on

the 12 stream sections that would manage brown trout with catch-and-release regulations and maintain Commonwealth inland waters regulations for all other species with all tackle types permitted, while continuing to stock these stream sections with rainbow trout at current rates and frequency.

The Commission amends § 65.24 to read as set forth at 53 Pa.B. 5497 (September 2, 2023).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 53 Pa.B. 5497. The Commission received a total of eight public comments regarding the proposed rulemaking: four comments were in support of the proposal and four comments were opposed to the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided and eight public comments were received: four comments were in support of the proposal and four comments were opposed to the proposal.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 53 Pa.B. 5497.

(B) The Executive Director will submit this order and 53 Pa.B. 5497 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 53 Pa.B. 5497 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2024.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-350 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 23-1685. Filed for public inspection December 8, 2023, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). This amendment will update and further clarify language in § 65.26 (relating to extended trout season) and specifically applies to subsection (b).

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

This amendment to § 65.26 is published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of this amendment are described in more detail under the summary of changes.

E. Summary of Changes

During a comprehensive review of permits associated with the Commission's Bureau of Fisheries programs and regulations, Commission staff identified an opportunity to update and further clarify language in § 65.26; specifically the amendments that apply to subsection (b). The intent is to align the permit for the application of extended season trout regulations to waters that are not stocked trout waters and the beginning of the extended closure period (third Monday in February), and to place the application review responsibility more appropriately on the Bureau of Fisheries, which is directly responsible for consideration. As the section is currently written, permits are valid into the extended season closure period, which is inconsistent with current seasons, sizes and creel limits applied to waters included in the Commission's Stocked Trout Waters Program.

Section 65.26 is amended to read as set forth in Annex A.

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 53 Pa.B. 5504 (September 2, 2023). The Commission received one comment in support of the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and one public comment was received supporting the proposal.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.26 to read as set forth in Annex A.

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

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

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-351 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.26. Extended trout season.

* * * * *

(b) *Waters not stocked trout waters.* The Executive Director or designee may grant a permit to apply extended trout season regulations to waters that are not stocked trout waters upon written application of the owner or lessee of the lands on which the waters are located. Applications shall be made on forms provided by the Commission. Applications will be reviewed to ensure that applying extended trout season regulations to the waters in question is consistent with the best appropriate fisheries management of the waters in question, and to ensure that approval of the application will have no adverse effect on the preservation and expansion of public fishing opportunities within this Commonwealth. Approval or disapproval of applications shall be subject to review under Chapter 51, Subchapter E (relating to permit procedures). Permits for extended trout season on

waters other than stocked trout waters will be valid until the last day of the extended trout season of the 6th year after the year in which they are issued.

[Pa.B. Doc. No. 23-1686. Filed for public inspection December 8, 2023, 9:00 a.m.]

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Title 58—RECREATION
FISH AND BOAT COMMISSION
[58 PA. CODE CH. 107]
Boating; Boating Restrictions

The Fish and Boat Commission (Commission) amends Chapter 107 (relating to boating restrictions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations eliminating redundant regulations.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The amendment to § 107.5 (relating to streams less than 200 feet across) is published under the statutory authority of section 5123(a) of the code (relating to general boating regulations).

D. Purpose and Background

The specific purpose and background of the amendment are described in more detail under the summary of changes.

E. Summary of Changes

In § 103.3(a) (relating to restriction for special areas), “[b]oats are limited to slow, no wake speed when within 100 feet of the shoreline; docks; launching ramps; swimmers or downed skiers or other boat-towed watersports participants; persons wading in the water; anchored, moored, or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection.” According to this regulation, boats operating in a waterway less than 200 feet across would be within 100 feet of either shoreline and restricted to slow, no wake speed operation. Therefore, § 107.5 of the Commission's regulations is redundant and is deleted.

The Commission amends § 107.5 to read as set forth at 53 Pa.B. 5179 (August 19, 2023).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 53 Pa.B. 5179. The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 107, are amended by amending § 107.5 to read as set forth at 53 Pa.B. 5179.

(B) The Executive Director will submit this order and 53 Pa.B. 5179 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 53 Pa.B. 5179 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-344 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 23-1687. Filed for public inspection December 8, 2023, 9:00 a.m.]

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Title 58—RECREATION
FISH AND BOAT COMMISSION
[58 PA. CODE CH. 111]
Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to Allegheny River Reservoir, also known as Kinzua Dam, located in both McKean County and Warren County.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The amendments to §§ 111.42 and 111.62 (relating to McKean County; and Warren County) are published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. Summary of Changes

Allegheny River Reservoir, also known as Kinzua Dam, is a 7,647-acre impoundment in McKean County and Warren County operated by the United States Army Corps of Engineers (USACE). Many of the controlled areas on the lake are indicated in the Commission's regulations and are marked with aids to navigation (that is, buoys) by the USACE. The area near Elijah Run, in the southeastern portion of the reservoir in McKean County, is currently marked by USACE as slow, no wake to protect the boat launch area; however, it is not part of the Commission's regulations. Adding this location to the existing regulations for Allegheny River Reservoir in the *Pennsylvania Code* will assist with enforcement of this restriction. Commission staff also recommend adding §§ 111.42(1)(vii) and 111.62(1)(viii) to the McKean County and Warren County regulations that appear in regulations on other USACE waters which allows USACE to respond quickly to areas that become problematic by marking them accordingly.

The Commission amends §§ 111.42 and 111.62 as set forth at 53 Pa.B. 5179 (August 19, 2023).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 53 Pa.B. 5179. The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending §§ 111.42 and 111.62 to read as set forth at 53 Pa.B. 5179.

(B) The Executive Director will submit this order and 53 Pa.B. 5179 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 53 Pa.B. 5179 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-345 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 23-1688. Filed for public inspection December 8, 2023, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to Halfway Lake at R.B. Winter State Park, located in Union County.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

This amendment to § 111.60 (relating to Union County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. Purpose and Background

The specific purpose and background of the amendment are described in more detail under the summary of changes.

E. Summary of Changes

Boating has historically been prohibited at Halfway Lake at R.B. Winter State Park due to the small size of the lake (approximately 6 acres). In recent years, the Department of Conservation and Natural Resources agreed to allow unpowered boats to operate on the lake. Therefore, the Commission updates its regulation.

The Commission amends § 111.60 to read as set forth at 53 Pa.B. 5180 (August 19, 2023).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 53 Pa.B. 5180. The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending § 111.60 to read as set forth at 53 Pa.B. 5180.

(B) The Executive Director will submit this order and 53 Pa.B. 5180 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 53 Pa.B. 5180 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-346 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 23-1689. Filed for public inspection December 8, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 75]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 75 (relating to endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment would update and further clarify language in §§ 75.1, 75.2 and 75.3 (relating to endangered species; threatened species; and candidate species). Commission staff recommend deleting the least brook lamprey and brook stickleback.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The proposed amendments to §§ 75.1, 75.2 and 75.3 are published under the statutory authority of section 2305(b) of the code (relating to threatened and endangered species).

D. Purpose and Background

The specific purpose and background of the proposed amendment are described in more detail under the summary of proposal.

E. Summary of Proposal

The digger crayfish *Creaserinus fodiens* is a primary burrowing crayfish that spends the majority of its time underground in burrows. Burrowing crayfish, including *C. fodiens*, usually occur within or adjacent to forested ephemeral (vernal) pools, bottomland forested floodplains, roadside ditches, small streams, seeps, reservoir shores, wet meadows and prairies, forested swamps and ponds, agricultural ditches, and other wet areas where they dig burrows through moist soils to reach the underlying ground water.

Burrowing crayfish are important components of the ecosystems where they reside. They are ecosystem engineers that mix and disturb large volumes of soil, which is important in maintaining plant diversity. Burrowing crayfish provide critical habitat for the eastern massasauga rattlesnake *Sistrurus catenatus* and Kirtland's snake *Clonophis kirtlandii*, both endangered in this Commonwealth. These two species brumate (that is, hibernate) in crayfish burrows. Studies in locations elsewhere indicate that crayfish burrows also provide critical habitat for rare and endangered odonates (that is, dragonflies and damselflies), especially during summer when surface conditions are dry.

The digger crayfish is a highly variable species with a distribution covering substantial portions of the eastern United States, including Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland,

Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia, as well as Ontario, Canada. In 2014, the digger crayfish was first discovered in northwest Pennsylvania (Crawford County). Additional intensive sampling conducted in 2020 at numerous locations in northwestern Pennsylvania also detected the species in southern Erie County.

The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. The range of the species (extent of occurrence) in this Commonwealth is small (7.7 square miles) and well under the less than 40 square mile criterion (B1) for endangered status in this Commonwealth. Within this range, which includes unsuitable, unoccupied habitats, the digger crayfish only occurs in a 3.5 square mile area (area of occupancy), which is under the less than 4 square mile criterion (B2) for endangered status in this Commonwealth. The digger crayfish is only known to occur in nine locations in this Commonwealth. Two of the locations are disconnected from the other seven, and all locations are disconnected from populations in other states, limiting dispersal and gene flow, which will likely negatively impact the species over the long-term.

In addition, the digger crayfish was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S1, meaning it is critically imperiled in this Commonwealth with a high risk of extirpation due to its restricted range and/or populations or occurrences. The Invertebrate Technical Committee of the Pennsylvania Biological Survey (PABS) concurred with this documentation and rank assignment. Enough information is available to make the determination that it is endangered within this Commonwealth at present. Therefore, based on extent of occurrence and area of occupancy, Commission staff propose that the digger crayfish be added to this Commonwealth's list of endangered species.

The black bullhead *Ameiurus melas* is a small catfish, reaching 6.5 to 9 inches in length as an adult. It can be distinguished from similar bullhead species by the presence of black pigmented membranes on its fins. It inhabits backwaters, oxbows, impoundments, lakes, ponds and sluggish streams. Large populations are known to occur in turbid and silty waterways.

The black bullhead was listed as a Commonwealth endangered species in 1999. It is native from southern Canada and Montana, south to northern Mexico and east to the Saint Lawrence River, the Appalachian Mountains and Alabama. It has been introduced elsewhere. In this Commonwealth, there are historic records from the Kiskiminitas River and the Lake Erie basin, as well as from Lawrence, Mercer and Westmoreland Counties. There have been no verified reports or collections of this species since 1985. From approximately the year 2000 to the present, the rivers of the Ohio River drainage in western Pennsylvania have been intensively surveyed with electrofishing and trawling gears at hundreds of sites. Efforts have also specifically targeted the black bullhead at historic collection localities in Erie, Lawrence, Mercer and Westmoreland Counties. Despite these efforts, no black bullheads have been detected.

Since the black bullhead has not been detected in this Commonwealth in 38 years, the Commission's objective

listing/delisting process could not be applied. It was, however, evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of SX, meaning it is considered extirpated in this Commonwealth. The Fishes Technical Committee of the PABS concurred with this documentation and rank assignment. As such, Commission staff recommend that it be deleted from the list of endangered species.

The threespine stickleback *Gasterosteus aculeatus* is a small fish with three distinct dorsal spines. The fourspine stickleback *Apeltes quadracus* also occurs within the same general historic range but can be distinguished by the additional dorsal spine and the distance between the spines. Adults are usually 1.5 to 3 inches in length.

The threespine stickleback inhabits shallow, vegetated areas of tidal pools, creeks, marshes, estuaries and inshore waters, usually in or near marine or brackish waters. It occurs widely in the Arctic and Atlantic drainages south to the Chesapeake Bay. In the Pacific drainages it occurs from Alaska to Baja, California, and has been widely introduced elsewhere. In this Commonwealth, it is confined to the tidal Delaware River and a few tributaries.

The threespine stickleback was listed as a Commonwealth endangered species in 1999. There are very few records for this species in this Commonwealth, and it has not been collected or verified in this Commonwealth since 1997. Despite repeated surveys during the past 15 to 20 years of waterways where this species has previously been documented, and surveys of other tidal tributaries to the Delaware River, no threespine sticklebacks have been detected. In addition, there have been no reports of this species from the Pennsylvania Scientific Collectors Permit reporting system during this period.

Due to a lack of recent records, the Commission's objective listing/delisting process could not be applied. Commission staff conclude that the threespine stickleback no longer regularly occurs in this Commonwealth. Based on Commission surveys and the historical record, Commission staff conclude that this species is an estuarine form in this Commonwealth that utilizes our inland waters on an irregular, occasional basis. As such, practically no efforts can be advanced to enhance its status in this Commonwealth. As such, Commission staff recommend that it be deleted from the list of endangered species.

The longsolid *Fusconaia subrotunda* is a freshwater mussel species currently known to occur in Alabama, Kentucky, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia. It is considered extirpated from Georgia, Indiana and Illinois. Historically, longsolid have been reported from the following Commonwealth streams and rivers: Ohio River, Beaver River, Slippery Rock Creek, Mahoning River, Shenango River, Pymatuning Creek, Allegheny River, French Creek, Muddy Creek, Monongahela River and Cheat River. The longsolid still occurs in the following Commonwealth streams and rivers: Shenango River, Allegheny River, French Creek and Muddy Creek. Generally, the longsolid co-occurs with other Federal and state and listed mussel species.

On March 9, 2023, the United States Department of the Interior, Fish and Wildlife Service, designated longsolid as Federally threatened throughout its entire ranges. Section 102 of the code (relating to definitions) defines "endangered species" as "[a]ll species and subspecies of

fish which: (1) have been declared by the Secretary of the United States Department of the Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the *Federal Register*; or (2) have been declared by the Executive Director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the *Pennsylvania Bulletin*." Because longsolid has been designated as Federally threatened throughout its range, which includes this Commonwealth, Commission staff propose that it be added to the Commonwealth's list of threatened species.

The least brook lamprey *Lampetra aepyptera* is a small, non-parasitic lamprey. Adults are usually 3.5 to 6 inches in length. A similar species, the American brook lamprey *Lethenteron appendix*, also occurs in western Pennsylvania, but these two species have never been collected from the same stream.

The least brook lamprey inhabits generally clean, clear streams and brooks of moderate gradient. It is often found in stocked trout waters. Larvae, known as ammocoetes, generally prefer sluggish areas with deposits of mud, muck, silt, sand, detritus and coarse woody debris. This species occurs on Atlantic Slope from southeastern Pennsylvania to North Carolina, and the Mississippi River basin from western Pennsylvania to Missouri and Arkansas and south to Mississippi. It is also found in Gulf Coast drainages from Georgia to Mississippi. In western Pennsylvania, this lamprey has been reported from Allegheny, Armstrong, Beaver, Butler, Fayette, Indiana and Westmoreland Counties. It also occurs in a small area of the Susquehanna River drainage in southern Chester County.

The least brook lamprey was listed as a candidate species in 1999. Lamprey-specific field work conducted during 1996 and 2002 to 2009 confirmed that nearly all historic (pre-1995) waterways remained occupied and additional populations were reported. The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A.2 (population reduction) in that there has been no reduction in historic distribution. Since the least brook lamprey occupies more than 150 linear miles of waterway and occurs at more than 20 locations with no known decline, it exceeds Criteria B.3 (area of occupation) and B.5 (distribution and trends). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4, meaning it is secure in this Commonwealth with a very low risk of extirpation due to its extensive range or many populations or occurrences. The Fishes Technical Committee of the PABS concurred with this documentation and rank assignment. Enough information exists to determine that this species is currently secure in this Commonwealth and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the least brook lamprey be deleted from the Commonwealth's list of candidate species.

The brook stickleback *Culaea inconstans* is a small fish with 4 to 6 dorsal spines. Adults are generally 1.5 to 2.5 inches long. No other stickleback is known to occur within its native range in this Commonwealth. It inhabits cool, calm waters of lakes, ponds, sluggish streams, wetlands and bogs. It prefers areas of heavy vegetation or woody debris over muck, detritus and sand. It occurs in the Arctic and Atlantic drainages in Canada, and in the Great Lakes and Mississippi drainages from Montana to

New York and Pennsylvania. It occurs in the Lake Erie and Ohio River drainages in northwestern Pennsylvania, roughly from Lawrence and Butler Counties to Potter County, as well as a few locations elsewhere in the Ohio River basin. It has been introduced into the Susquehanna River drainage.

The brook stickleback was listed as a Commonwealth candidate species in 1999. From 1990 to the present, it was determined to be rather widely distributed in northwestern Pennsylvania. It is currently known to occur in Cambria, Clarion, Crawford, Elk, Erie, McKean, Mercer, Potter, Venango and Warren Counties.

The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criteria B.3 (extent of occupancy) and B.5 (distribution and trends) and is known to occur in excess of 20 locations. In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4, meaning it is secure in this Commonwealth with a very low risk of extirpation due to its extensive range or many populations or occurrences. The Fishes Technical Committee of the PABS concurred with this documentation and rank assignment. Enough information exists to determine that it is currently secure in this Commonwealth. Therefore, Commission staff propose that the Brook stickleback be deleted from the Commonwealth's list of candidate species. The Commission proposes that §§ 75.1, 75.2 and 75.3 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-352. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

(a) *General.* The species of fish, amphibians and reptiles and invertebrates listed in subsections (b)–(d) are classified endangered. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing of any

individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

(b) *Fish.* The following species are endangered:

- (1) Northern brook lamprey, *Ichthyomyzon fossor*.
- (2) Shortnose sturgeon, *Acipenser brevirostrum*.
- (3) Lake sturgeon, *Acipenser fulvescens*.
- (4) Atlantic sturgeon, *Acipenser oxyrhynchus*.
- (5) Spotted gar, *Lepisosteus oculatus*.
- (6) Hickory shad, *Alosa mediocris*.
- (7) Cisco, *Coregonus artedi*.
- (8) Northern redbelly dace, *Chrosomus eos*.
- (9) Blacknose Shiner (*Notropis heterolepis*).
- (10) Bridle shiner, *Notropis bifrenatus*.
- (11) River shiner, *Notropis blennioides*.
- (12) Ghost shiner, *Notropis burchanani*.
- (13) Ironcolor shiner, *Notropis chalybaeus*.
- (14) Blackchin shiner, *Notropis heterodon*.
- (15) Redfin shiner, *Lythrurus umbratilis*.
- (16) Longnose sucker, *Catostomus catostomus*.
- (17) Bigmouth buffalo, *Ictiobus cyprinellus*.
- (18) [**Black bullhead, *Ameiurus melas*] [Reserved].**
- (19) Mountain madtom, *Noturus eleutherus*.
- (20) Tadpole madtom, *Noturus gyrynus*.
- (21) Northern madtom, *Noturus stigmosus*.
- (22) Burbot, *Lota lota* (inland populations only).
- (23) [**Threespine stickleback, *Gasterosteus aculeatus*] [Reserved].**
- (24) Pugnose Minnow (*Opsopoeodus emiliae*).
- (25) Warmouth, *Lepomis gulosus*.
- (26) Longear sunfish, *Lepomis megalotis*.
- (27) Iowa darter, *Etheostoma exile*.
- (28) Eastern sand darter, *Ammocrypta pellucida*.
- (29) Hornyhead chub, *Nocomis biguttatus*.

* * * * *

(d) *Invertebrates.* The following species are endangered:

- (1) Northern riffleshell mussel, *Epioblasma rangiana*.
- (2) Clubshell mussel, *Pleurobema clava*.
- (3) Dwarf wedgemussel, *Alasmidonta heterodon*.
- (4) Eastern pearlshell mussel, *Margaritifera margaritifera*.
- (5) Rabbitsfoot mussel, *Thecliderma cylindrica*.
- (6) Snuffbox mussel, *Epioblasma triquetra*.
- (7) Salamander mussel, *impsonaias ambigua*.
- (8) Round hickorynut mussel, *Obovaria subrotunda*.
- (9) Pistolgrip mussel, *Tritogonia verrucosa*.
- (10) Rayed bean mussel, *Villosa fabalis*.

(11) Digger crayfish, *Creaserinus fodiens*.

§ 75.2. Threatened species.

(a) *General.* The species of fish, amphibians, reptiles and invertebrates listed in subsections (b)–(d) are classi-

fied as threatened. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing, of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

(b) *Fish*. The following species are threatened:

- (1) Bigmouth shiner, *Notropis dorsalis*.
- (2) Southern redbelly dace, *Chrosomus erythrogaster*.
- (3) Spotted sucker, *Minytrema melanops*.
- (4) Brindled madtom, *Noturus miurus*.
- (5) Chesapeake Logperch, *Percina imaculate*.

(c) *Amphibians and reptiles*. The following species are threatened:

- (1) Green Salamander, *Aneides aeneus*.
- (2) Northern Red-bellied Cooter, *Pseudemys rubriventris*.
- (3) Eastern Spadefoot Toad, *Scaphiopus holbrookii*.

(d) *Invertebrates*. The following species are threatened:

- (1) Sheepnose mussel, *Plethobasus cyphus*.

(2) Longsolid, *Fusconaia subrotunda*.

§ 75.3. Candidate species.

(a) *General*. The species listed in subsections (b) and (c) are considered candidate species which could achieve endangered or threatened status in the future. They are subject to seasons, size, creel—bag—and possession limits specified in this subpart. A person who catches these species is encouraged to release them immediately and unharmed to the waters or other area from which they were taken.

(b) [*Fish*] [**Reserved**].

[(1) **Least brook lamprey, *Lampetra aepyptera*.**

(2) **Brook stickleback, *Culaea inconstans*.]**

(c) *Amphibians and reptiles*.

- (1) Blandings Turtle, *Emydoidea blandingii*.
- (2) Broad-headed Skink, *Plestiodon laticeps*.

[Pa.B. Doc. No. 23-1690. Filed for public inspection December 8, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 107]

Boating; Boating Restrictions

The Fish and Boat Commission (Commission) proposes to amend Chapter 107 (relating to boating restrictions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). These proposed amendments update the Commission's regulations pertaining to allowable electric motor speeds and clarify horsepower restrictions.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

These proposed amendments to §§ 107.1 and 107.2 (relating to horsepower restrictions; and electric motors) are published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. *Purpose and Background*

The specific purpose and background of the proposed amendments are described in more detail under the summary of proposal.

E. *Summary of Proposal*

Current regulations limit boat propulsion to electric motors only on Commission owned or controlled lakes, some state park lakes and water bodies specified in Chapter 111 (relating to special regulations counties). These regulations were originally intended to reduce noise, excessive wakes, shoreline erosion and property damage, and the risk of petroleum-based water pollution on certain water bodies. Boats powered by small electric motors (such as trolling motors) and unpowered boats are popular on Commonwealth bodies of water with electric motor only restrictions.

Some exceptions exist for state park lakes and certain other waters specified in Chapter 111 where internal combustion motors are permitted but with horsepower (HP) limitations. Boats propelled by small gas outboard motors and unpowered boats are popular on these waterways.

Recent technological advancements with battery-powered electric boat motors have produced a variety of higher-powered options up to 180 HP and 60 miles per hour. While these new units are currently expensive and have limited battery capacity, it is anticipated they will become more affordable and widely available in the future. Boating stakeholders, partner organizations, other State agencies and Commission staff have expressed concern that high-powered electric motors could be legally operated on waters that are currently regulated as electric motor only waters, which is inconsistent with the original intent of this restriction. Additionally, Commission law enforcement staff have expressed concern about the complexity of enforcing HP limitations for electric motors to meet the original intent of current regulations.

Manufacturer and retailer specifications for electric motors frequently refer to kilowatt (kW) rather than HP, whereas Commission regulations refer only to HP. In enforcing HP limitations, Waterways Conservation Officers (WCO) typically rely on HP ratings that are marked on the boat's cowling (motor cover). If the HP rating is not marked on the cowling or the marking is not legible, WCOs may instead rely on documentation provided by the boat operator (such as an owner's manual), the results of an Internet search of motor make and model, or

if the kW rating is known, use a conversion calculation to determine HP. The widely accepted conversion calculation is $kW \times 1.341 = HP$. For example, a 15 kW electric motor converts to approximately 20 HP, which is a common HP limitation across this Commonwealth.

To address these issues, Commission staff recommended amending Chapter 107 to limit the speed at which electric motors may be operated and clarify that horsepower restrictions apply to both electric and internal combustion motors.

On June 21, 2022, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendments.

On July 26, 2022, the Commission approved the publication of a notice of proposed rulemaking containing these amendments. The notice was published at 52 Pa.B. 5651 (September 3, 2022). The Commission did not receive any public comments regarding the proposal; however, during the comment period, it was discovered that other complementary changes in Chapter 107 were necessary to effect the changes in the proposal.

These additional recommended changes were incorporated into a final-form rulemaking agenda item for Commission action. These changes were not published in the *Pennsylvania Bulletin* but were made public as part of the agenda for the October 24, 2022, Commission meeting. On October 24, 2022, the Commission voted to adopt the amendments as set forth in the notice of proposed rulemaking, which did not include the necessary additional changes presented at the meeting. The final-form rulemaking was published at 52 Pa.B. 7381 (December 3, 2022) and went into effect on January 1, 2023.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-347. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 107. BOATING RESTRICTIONS

§ 107.1. Horsepower restrictions.

On waters where horsepower limitations are prescribed, as set forth in Chapter 111 (relating to special regulations counties), **[the use of internal combustion motors in excess of the prescribed horsepower limitation is prohibited] horsepower limitations apply to both internal combustion motors and electric motors. Boats with motors larger than the maximum horsepower shall be permitted but the motors may not be used.**

§ 107.2. Electric motors.

Except as otherwise specified in Chapter 111 (relating to special regulations counties):

(1) Electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted. **On waters where horsepower limitations are prescribed in Chapter 111, electric motors in excess of maximum horsepower limitations or equivalent kilowatt ratings shall not be used.**

(1.1) Boats propelled by electric motors on Commission owned or controlled lakes, State Park lakes and water bodies in Chapter 111 shall not be operated at greater than slow, no-wake speed.

(2) On Commission and State Park owned or controlled lakes, internal combustion motors attached to or installed in boats need not be removed, but the operation of engines is specifically prohibited.

(3) Officers authorized to enforce the code and this part and, in the case of State Park lakes, officers and officials of the Bureau of State Parks and operators of emergency vessels may operate boats powered by internal combustion motors in the performance of their official duties on waters otherwise restricted to electric motors only.

[Pa.B. Doc. No. 23-1691. Filed for public inspection December 8, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGING

Pharmaceutical Assistance Advisory Board Meeting

The Pharmaceutical Assistance Advisory Board will hold a meeting by means of Microsoft Teams on Monday, December 18, 2023, from 1 p.m. to 2:30 p.m. The dis-

ussion will be on pharmacy reimbursements. For connection information or any questions, contact Megan McDaniel, memcdaniel@pa.gov, (717) 787-7313.

JASON KAVULICH,
Secretary

[Pa.B. Doc. No. 23-1692. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending November 28, 2023.

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

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-28-2023	Temperance Wealth Partners, LP West Palm Beach Florida	Accepted
	Application for approval to acquire a membership interest that will result in control of 20% or more of the voting membership interest of Pitcairn Financial Group, LLC, and thereby indirectly acquire 20% or more of the ownership or voting control of Pitcairn Trust Company.	

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>
11-27-2023	George E. Norcross, III Palm Beach Palm Beach County, FL	Accepted
	Gregory B. Braca Palm Beach Palm Beach County, FL	
	Philip A. Norcross Philadelphia Philadelphia County, PA	
	Alessandra T. Norcross Philadelphia Philadelphia County, PA	
	Alexander S. Norcross Philadelphia Philadelphia County, PA	

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
	Application for approval to purchase or otherwise acquire voting control of shares that will result in ownership and control of 19.9% of the outstanding shares of common stock and 100% of the outstanding shares of the nonvoting Series B Preferred Stock of Republic First Bancorp, Inc., Philadelphia, PA, and thereby 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>
11-20-2023	Brentwood Bank Bethel Park Allegheny County	1001 Village Run Road Wexford Allegheny County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
11-20-2023	Meridian Bank Malvern Chester County	<i>To:</i> 1301 Skippack Blue Bell Montgomery County <i>From:</i> 653 Skippack Pike Blue Bell Montgomery County	Effective

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 23-1693. Filed for public inspection December 8, 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>
2613800	Joint DEP/PFBC Pesticides Permit	Amendment	Nemacolin Woodlands Inc. 1001 Lafayette Drive Farmington, PA 15437-9754	Wharton Township Fayette County	SWRO
4821802	Joint DEP/PFBC Pesticides Permit	Amendment	Traditions of America Bridle Path HOA 2600 Presidential Boulevard Bethlehem, PA 18017-7724	Hanover Township Northampton County	NERO
4821803	Joint DEP/PFBC Pesticides Permit	Amendment	Traditions of America Bridle Path HOA 2600 Presidential Boulevard Bethlehem, PA 18017-7724	Hanover Township Northampton County	NERO
0901401	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Buckingham Township Bucks County P.O. Box 413 Buckingham, PA 18912-0413	Buckingham Township Bucks County	SERO
0223206	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	New	Naval Reactors Lab Fld Ofc P.O. Box 109 West Mifflin, PA 15122-0109	West Mifflin Borough Allegheny County	SWRO
NOEXSC407	No Exposure Certification	New	National Freight Inc. 2 Cooper Street Camden, NJ 08102-2348	West Pennsboro Township Cumberland County	SCRO
PAG030238	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Simsmetal East LLC 300 South Steel Road Morrisville, PA 19067	Springfield Township Bucks County	SERO
PAG038356	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buffalo & Pittsburgh RR Inc. 47849 Papermill Road Coshocton, OH 43812-9724	Johnsonburg Borough Elk County	NWRO
PAG038535	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buffalo & Pittsburgh RR Inc. 47849 Papermill Road Coshocton, OH 43812-9724	Warren City Warren County	NWRO
PAG123551	PAG-12 NPDES General Permit for CAFOs	Renewal	Weiler Farms Partnership 350 E Mill Avenue Myerstown, PA 17067-2404	South Londonderry Township Lebanon County	SCRO
PAG123800	PAG-12 NPDES General Permit for CAFOs	Renewal	Akers Zachary M 1218 Cherry Lane Clearville, PA 15535-7501	Monroe Township Bedford County	SCRO
PAG123916	PAG-12 NPDES General Permit for CAFOs	Renewal	Weiler Creek Farms LLC 350 E Mill Avenue Myerstown, PA 17067-2404	Bethel Township Berks County	SCRO

<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>
PAG123942	PAG-12 NPDES General Permit for CAFOs	Renewal	Ronald Snyder Farm 3356 Sweet Arrow Lake Road Pine Grove, PA 17963-9050	Washington Township Schuylkill County	SCRO
0609403	Pump Stations Individual WQM Permit	Amendment	Maxatawny Township Municipal Authority Berks County 127 Quarry Road Suite 2 Kutztown, PA 19530-9697	Maxatawny Township Berks County	SCRO
1023419	Small Flow Treatment Facility Individual WQM Permit	New	Renick Bros Const Co. 434 Grove City Road P.O. Box 94 Slippery Rock, PA 16057-2524	Slippery Rock Township Butler County	NWRO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northwest Regional Office

PA0035670, Sewage, SIC Code 4173, 4952, **PA DOT Maintenance & Operations Bureau**, Bureau of Maintenance & Operations, Harrisburg, PA 17120. Facility Name: PA DOT Kiskiminetas Township Satellite Maintenance Bldg. This existing facility is located in Kiskiminetas 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 is Rattling Run, located in State Water Plan watershed 18-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 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>Semi-Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	0.0005	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	0.5	XXX	1.6
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						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	25.0	XXX	50.0

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

PA0100676, Sewage, SIC Code 4952, 8661, **Reorganized Church of Jesus Christ of Latter Day Saints**, 9017 Chillicothe Road, Kirtland, OH 44094-9261. Facility Name: Temple Grove Campground. This existing facility is located at 347 Hamburg Road, Transfer, PA 16154-2603 located in Delaware Township, Mercer County.

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

The receiving stream(s), Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
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		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	25	XXX	50
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Zinc	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		

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

PA0295493, Sewage, SIC Code 8800, **Gerald Keller**, 8519 Lexington Road, Girard, PA 16417-9120. Facility Name: Gerald Keller SRSTP. This proposed facility is located in Girard 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 Crooked Creek (HQ-CWF, MF), is located in State Water Plan watershed 15-A 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 .0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0008869, Industrial, SIC Code 2621, **Pixelle Specialty Solutions LLC**, 228 S Main Street, Spring Grove, PA 17362-1000. Facility Name: Spring Grove Pulp & Paper Mill. This existing facility is located in Spring Grove Borough, **York 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), Codorus Creek (WWF) and Unnamed Tributary to Codorus Creek (WWF), is located in State Water Plan watershed 7-H 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 13.7 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)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			5.0			
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	Daily Min	123	246	307
			XXX			
Nov 1 - Apr 30	XXX	XXX	XXX	140	280	350
May 1 - Oct 31	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) (Pt-Co Units) Downstream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) (Pt-Co Units) Industrial Influent	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) (Pt-Co Units) Upstream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Temperature (deg F) (°F) Downstream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Temperature (deg F) (°F) Upstream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	1,751	3,503	XXX	17.0	34.0	38
Nov 1 - Apr 30						
May 1 - Oct 31	1,168	2,335	XXX	14.0	25.0	25
Chemical Oxygen Demand (COD) Industrial Influent	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD) Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
2,057	4,113	XXX	30.0	60.0	75	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	XXX	Report	XXX	2.0	4.0	5
Nov 1 - Apr 30		Total Mo				
May 1 - Oct 31	XXX	Report	XXX	1.5	3.0	3.8
		Total Mo				
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Total Mo					
Total Phosphorus	Report	XXX	XXX	Report	2.0	2.5
	Total Mo					
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	0.02	0.04	0.05
Adsorbable Organic Halides (AOX)	XXX	812	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 13.7 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>	
2,3,7,8-Tetrachlorodibenzofuran (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
2,3,7,8-Tetrachlorodibenzo-p-dioxin (pg/L)	XXX	XXX	XXX	XXX	0.035	XXX
Adsorbable Organic Halides (AOX)	XXX	364	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Outfall 002 are based on a design flow of 15.1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (cfs)						
Upstream Monitoring						
Nov 1 - Apr 30	15.8	XXX	XXX	XXX	XXX	XXX
	Min Mo Avg					
May 1 - Oct 31	21.3	XXX	XXX	XXX	XXX	XXX
	Min Mo Avg					

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<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	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	Report
Temperature (deg F) (°F)	XXX	XXX	Inst Min	Report	XXX	110
Temperature (deg F) (°F)	XXX	XXX	Report	Report	XXX	XXX
Upstream Monitoring	XXX	XXX	Avg Mo	Daily Max	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point	Avg Mo					
Kappa Number (No.)	XXX	XXX	XXX	20	Report	XXX
Internal Monitoring Point				Avg Mo		
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	Report	Report	XXX
Internal Monitoring Point				Avg Mo		

The proposed effluent limits for Internal Monitoring Point 101.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Pentachlorophenol	XXX	XXX	XXX	0.005	XXX	XXX
Internal Monitoring Point						
2,3,4,6-Tetrachlorophenol	XXX	XXX	XXX	0.0025	XXX	XXX
Internal Monitoring Point						
2,3,7,8-Tetrachlorodibenzofuran (pg/L)	XXX	XXX	XXX	0.319	XXX	XXX
Internal Monitoring Point						
2,3,7,8-Tetrachlorodibenzo-p-dioxin (pg/L)	XXX	XXX	XXX	0.01	XXX	XXX
Internal Monitoring Point						
3,4,5-Trichlorocatechol	XXX	XXX	XXX	0.005	XXX	XXX
Internal Monitoring Point						
2,4,5-Trichlorophenol	XXX	XXX	XXX	0.0025	XXX	XXX
Internal Monitoring Point						
3,4,6-Trichlorocatechol	XXX	XXX	XXX	0.005	XXX	XXX
Internal Monitoring Point						
3,4,5-Trichloroguaiacol	XXX	XXX	XXX	0.0025	XXX	XXX
Internal Monitoring Point						
3,4,6-Trichloroguaiacol	XXX	XXX	XXX	0.025	XXX	XXX
Internal Monitoring Point						
4,5,6-Trichloroguaiacol	XXX	XXX	XXX	0.0025	XXX	XXX
Internal Monitoring Point						
2,4,6-Trichlorophenol	XXX	XXX	XXX	0.0025	XXX	XXX
Internal Monitoring Point						
Tetrachlorocatechol	XXX	XXX	XXX	0.005	XXX	XXX
Internal Monitoring Point						
Tetrachloroguaiacol	XXX	XXX	XXX	0.005	XXX	XXX
Internal Monitoring Point						
Trichlorosyringol	XXX	XXX	XXX	0.0025	XXX	XXX
Internal Monitoring Point						

The proposed effluent limits for Internal Monitoring Point 101.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Chloroform Internal Monitoring Point	2.72	4.55	XXX	Report Avg Qrtly	Report	XXX

The proposed effluent limits for Internal Monitoring Point 102

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Pentachlorophenol Internal Monitoring Point	XXX	XXX	XXX	0.005	XXX	XXX
2,3,4,6-Tetrachlorophenol Internal Monitoring Point	XXX	XXX	XXX	0.0025	XXX	XXX
2,3,7,8-Tetrachlorodibenzofuran (pg/L) Internal Monitoring Point	XXX	XXX	XXX	0.319	XXX	XXX
2,3,7,8-Tetrachlorodibenzo-p-dioxin (pg/L) Internal Monitoring Point	XXX	XXX	XXX	0.01	XXX	XXX
3,4,5-Trichlorocatechol Internal Monitoring Point	XXX	XXX	XXX	0.005	XXX	XXX
2,4,5-Trichlorophenol Internal Monitoring Point	XXX	XXX	XXX	0.0025	XXX	XXX
3,4,6-Trichlorocatechol Internal Monitoring Point	XXX	XXX	XXX	0.005	XXX	XXX
3,4,5-Trichloroguaiacol Internal Monitoring Point	XXX	XXX	XXX	0.0025	XXX	XXX
3,4,6-Trichloroguaiacol Internal Monitoring Point	XXX	XXX	XXX	0.025	XXX	XXX
4,5,6-Trichloroguaiacol Internal Monitoring Point	XXX	XXX	XXX	0.0025	XXX	XXX
2,4,6-Trichlorophenol Internal Monitoring Point	XXX	XXX	XXX	0.0025	XXX	XXX
Tetrachlorocatechol Internal Monitoring Point	XXX	XXX	XXX	0.005	XXX	XXX
Tetrachloroguaiacol Internal Monitoring Point	XXX	XXX	XXX	0.005	XXX	XXX
Trichlorosyringol Internal Monitoring Point	XXX	XXX	XXX	0.0025	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 102.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD) Internal Monitoring Point	Report Avg Mo	Report	XXX	XXX	XXX	XXX
Kappa Number (No.) Internal Monitoring Point	XXX	XXX	XXX	13 Avg Mo	Report	XXX
Color (Pt-Co Units) (Pt-Co Units) Internal Monitoring Point	XXX	XXX	XXX	Report Avg Mo	Report	XXX

The proposed effluent limits for Internal Monitoring Point 102.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Chloroform Internal Monitoring Point	3.16	5.28	XXX	Report Avg Qrtly	Report	XXX

The proposed monitoring requirements for stormwater outfalls.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Quarterly	Daily Maximum		Semi-Annual Average	Daily Maximum	
COD	XXX	XXX	XXX	XXX	Report	XXX
pH	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	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 717-705-4732.

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0259802, Concentrated Animal Feeding Operation (CAFO), **Wen-Crest Farms LLC (Wen-Crest Farm CAFO)**, 549 Schaeffer Road, Lebanon, PA 17042-9730.

Wen-Crest Farms LLC has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Wen-Crest Farm CAFO, located in South Lebanon Township, **Lebanon County**.

The CAFO is situated near Unnamed Tributary to Hammer Creek (CWF, MF) in Watershed 7-J, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 2,031.55 animal equivalent units (AEUs) consisting of 350,000 Broilers, 900 Beef Finishers, and 350 Beef Finishing Heifers. Solid manure will be stored in roofed structures and liquid manure will be stored in a new slatted floor concrete underbarn storage. Prior to operation of the new liquid underbarn manure storage, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Southcentral Regional Office

PA0259900, Concentrated Animal Feeding Operation (CAFO), **Bryan Byers (Bryan Byers Farm)**, 81 Four Pines Road, Quarryville, PA 17566-9799.

Bryan Byers has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Bryan Byers Farm, located in East Drumore Township, **Lancaster County**.

The CAFO is situated near Conowingo Creek (HQ-CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 178.46 animal equivalent units (AEUs) consisting of 37,600 Duck Finishers. Liquid duck manure is stored in a concrete circular tank onsite. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Southeast Regional Office

PA0025437, Sewage, SIC Code 4952, **North Coventry Township Municipal Authority**, 1485 East Schuylkill Road, Pottstown, PA 19464. Facility Name: N Coventry Township STP. This existing facility is located in North Coventry Township, **Chester County**.

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

The receiving stream(s), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-D 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 2.01 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	419	671	XXX	25	40	50
Nov 1 - Apr 30						
May 1 - Oct 31	335	503	XXX	20	30	40
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	503	754	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Oct 1 - Apr 30						
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	335	XXX	XXX	20	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	168	XXX	XXX	10	XXX	20
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	34	XXX	XXX	2.0	XXX	4
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Total Dissolved Solids	Report	Report	XXX	1,000.0	2,000.0	2,500
	Avg Qrtly	Daily Max		Avg Qrtly	Daily Max	

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

I. OTHER REQUIREMENTS

- A. No stormwater
- B. Property rights
- C. Sludge disposal
- D. Operator notification
- E. DRBC fecal coliform
- F. TRC minimization

II. WETT

III. PCB MONITORING

IV. REQUIREMENTS APPLICABLE TO STORMWATER

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0026298, Sewage, SIC Code 4952, **Whitemarsh Township Authority**, 2015 Joshua Road, Lafayette Hill, PA 19444-2431. Facility Name: Whitemarsh Township STP. This existing facility is located in Whitemarsh Township, **Montgomery County**.

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

The receiving stream(s), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-F 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 002 are based on a design flow of 2.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	2,000.0	2,500
Aluminum, Total	XXX	XXX	XXX	Avg Qrtly Report	Daily Max XXX	XXX
Copper, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Thallium, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Acrolein	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TU _c)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TU _c)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TU _c)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Pimephales Growth (TU _c)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 2.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	Report	XXX	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	Daily Max Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 2.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	417	667	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	500	750	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen	333	XXX	XXX	20	XXX	40
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

- No stormwater
- Acquire Necessary Property Rights
- Chlorine Optimization
- Operator Notification
- Pretreatment Program Implementation
- Proper Sludge Disposal
- PCBs Monitoring and PMP Requirement
- WET Condition
- Stormwater Outfall Requirement
- Solids Management

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0244490, Sewage, SIC Code 8811, **Patrick Reilly & Paula Holzman**, 171 Creamery Road, Coatesville, PA 19320-1716. Facility Name: Reilly Holzman Res SRSTP. This existing facility is located in West Caln Township, **Chester 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 West Branch Brandywine Creek (HQ-CWF, MF), is located in State Water Plan watershed 3-H 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 .0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Inst Min XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 9.0	XXX	18

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

- Sludge use and disposal description and location(s): Septic tanks cleaned out by pump and hauler.

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

PA0245313, Sewage, SIC Code 4952, **The Grist at Mather Mill LTD**, 7032 Lafayette Avenue, Fort Washington, PA 19034. Facility Name: Mather Mill STP. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

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

The receiving stream, Wissahickon Creek (TSF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and 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 .00013 MGD.—Limits.

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

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

- A. AMR to DEP
- B. DMR to DEP
- C. Septage and Scum Measurement
- D. Septic Tank Pumping
- E. No Stormwater Condition
- F. Acquire Necessary Property Rights
- G. Proper Sludge Disposal
- H. Phase Out When Municipal Sewers Available
- I. UV Disinfection

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

PA0005754, Industrial, SIC Code 3316, **Allegheny & Tsingshan Stainless LLC**, 100 River Road, Brackenridge, PA 15014-1537. Facility Name: Allegheny & Tsingshan Stainless LLC Midland Facility. This existing facility is located in Midland Borough, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste from the specialty metals finishing facility.

The receiving stream(s), Ohio River (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 001 are based on a design flow of 3.96 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 1.52 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 4.84 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.17
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Daily	Average	Daily	
	Monthly	Maximum	Minimum	Monthly	Maximum	
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, 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 006 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Daily	Average	Daily	
	Monthly	Maximum	Minimum	Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, 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 104 are based on a design flow of 1.1 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Daily	Average	Daily	
	Monthly	Maximum	Minimum	Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	420	980	XXX	30.0	60.0	75
Oil and Grease	140	420	XXX	10.0	XXX	30
Chromium, Total	5.5	14	XXX	0.4	1.0	1.2
Nickel, Total	4.0	13	XXX	0.3	0.9	1.1
Hexachlorobutadiene	XXX	XXX	XXX	0.01	0.016	XXX
Naphthalene	XXX	0.019	XXX	XXX	0.1	XXX
Tetrachloroethylene	XXX	0.0139	XXX	XXX	0.15	XXX

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

- Conditions related to cooling water intake structures.

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

The EPA Waiver is not in effect

Southwest Regional Office

PA0042579, Industrial, SIC Code 7699, **Atlas Metal Conversion**, 780 Route 519, Eighty Four, PA 15330. Facility Name: Atlas Metal Conversion. This existing facility is located in Somerset Township, **Washington County**.

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

The receiving stream, Unnamed Tributary of Chartiers Creek (HQ-WWF), is located in State Water Plan watershed 20-F and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .004 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Average	Instant.	Average	Maximum	
	Monthly	Weekly	Minimum	Monthly		
Flow (MGD)	0.0015	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.02
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	25.0	XXX	50.0

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Daily	
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	9.0	XXX	18.0
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0

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	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	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 Outfalls

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0218227, Industrial, SIC Code 4941, **Washington Township Municipal Authority, Fayette County**, 1390 Fayette Avenue, Belle Vernon, PA 15012-2535. Facility Name: Washington Township Municipal Authority WTP. This existing facility is located in Fayette City Borough, **Fayette 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), Downers Run (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.55 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily 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	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Phenol	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.

Southeast Regional Office

PA0036200, Sewage, SIC Code 6514, **Radley Run Mews Sewer Assoc**, P.O. Box 84, Pocopson, PA 19366-0084. Facility Name: Radley Run Mews STP. This existing facility is located in Birmingham Township, **Chester County**.

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

The receiving stream(s), Plum Run (WWF, MF), is located in State Water Plan watershed 3-H 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 .032 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
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.7	XXX	XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	8.0	XXX	XXX	30	XXX	60
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	8.0	XXX	XXX	30.0	XXX	60
Ammonia-Nitrogen	4.0	XXX	XXX	15.0	XXX	30
Nov 1 - Apr 30						
May 1 - Oct 31	1.3	XXX	XXX	5.0	XXX	10
Total Phosphorus	0.53	XXX	XXX	2.0	XXX	4

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

- A. No Stormwater to Sewer
- B. Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Public Sewer Become Available
- E. Chlorine Minimization
- F. Notification of the Designation of Responsible Operator
- G. Small Stream Discharge
- H. Remedial Measures if Public Nuisance
- I. Twice per Month Sampling

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.

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

Northeast Regional Office

Applicant: **Lower Nazareth Township, Lori Stauffer, Esq.**

Applicant Address: 623 Municipal Drive, Nazareth, PA 18064

Application Number: **PAD480068**

Application Type: Renewal

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

Project Site Name: Newburg Community Park

Total Earth Disturbance Area (acres): 76.13 acres

Surface Waters Receiving Stormwater Discharges: Monocacy Creek (HQ-CWF, MF)

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

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

Project Description: The project involves the construction of a municipal park including athletic fields, parking areas, a community center, and other recreation amenities.

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: Paarth Corporation c/o Minu Desai

Applicant Address: 5650 W. Tilghman Street, Allentown, PA 18104-9385

Application Number: PAD390062

Application Type: Renewal

Municipality/County: Upper Macungie Township, **Lehigh County**

Project Site Name: Towneplace Suites by Marriott

Total Earth Disturbance Area (acres): 7.47 acres

Surface Waters Receiving Stormwater Discharges: Cedar Creek—(HQ-CWF, MF)

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

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

Project Description: Demolition of existing motel in order to construct a new motel and restaurant with associated roadway improvements.

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: Arcadia Development Corporation

Applicant Address: 3332 Bingen Road, Bethlehem, PA 18015

Application Number: PAD480196

Application Type: New

Municipality/County: Hanover Township, **Northampton County**

Project Site Name: Proposed Industrial Development

Total Earth Disturbance Area (acres): 23.0 acres

Surface Waters Receiving Stormwater Discharges: Monocacy Creek via MS4 (HQ-CWF, MF)

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

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

Project Description: The project involves the demolition of an existing hotel and construction of a proposed warehouse. The project will also include construction of a water line, sanitary sewer, curbed roadways, parking lots, tractor trailer loading and storage, storm sewer and associated detention basin with spray irrigation.

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: Kinder Morgan Bulk Terminals, Inc.

Applicant Address: 1000 South Port Road, Fairless Hills, PA 19030-5004

Application Number: PAD090098

Application Type: New

Municipality/County: Falls Township, **Bucks County**

Project Site Name: Kinder Morgan Fairless Hills Terminal

Total Earth Disturbance Area (acres): 9.7 acres

Surface Waters Receiving Stormwater Discharges: Delaware River (WWF, MF)

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

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

Project Description: Kinder Morgan Fairless Hills Terminal is a development project involving clearing of the disturbed area for construction of compacted gravel laydown yard for Kinder Morgan site operations. Other improvements include stormwater management piping and basin facilities.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **Fidelity Contracting, LLC**

Applicant Address: 789 North Manor Road, Elverson, PA 19520-9171

Application Number: **PAD150315**

Application Type: New

Municipality/County: West Nantmeal Township, **Chester County**

Project Site Name: Fidelity Contracting, LLC

Total Earth Disturbance Area (acres): 1.592 acres

Surface Waters Receiving Stormwater Discharges: East Branch Brandywine Creek (HQ-TSF, MF)

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

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

Project Description: Proposed storage yard addition to the existing contractor's office and storage yard.

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: **South Annville Holdings, LLC**

Applicant Address: 1737 West Main Street, Ephrata, PA 17522

Application Number: **PAD380029**

Application Type: New

Municipality/County: South Annville Township, **Lebanon County**

Project Site Name: Southgate

Total Earth Disturbance Area (acres): 92.66 acres

Surface Waters Receiving Stormwater Discharges: Quittapahilla Creek (TSF)

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

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

Project Description: South Annville Holdings is proposing a 252-lot single family residential subdivision including associated streets with connection to and extensions of public utilities and stormwater management facilities.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Jordan Hoover**

Applicant Address: 2025 Furnace Road, Felton, PA 17322

Application Number: **PAD670093**

Application Type: New

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

Project Site Name: Jordan Hoover Proposed Poultry Barns

Total Earth Disturbance Area (acres): 8.69 acres

Surface Waters Receiving Stormwater Discharges: 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: Poultry Barns

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

Southwest Regional Office

Applicant: **Pinehurst Land Partners, LLC**

Applicant Address: 2543 Washington Road, Pittsburgh, PA 15241

Application Number: **PAD630021**

Application Type: Renewal

Municipality/County: North Strabane Township, **Washington County**

Project Site Name: Laurel Landing Residential Subdivision

Total Earth Disturbance Area (acres): 49 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Chartiers Creek (HQ-WWF)

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

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

Project Description: This is a renewal application for previously approved PAD630021. No changes have been made to the previously approved plans. The project is located along McDowell Lane, approximately 600' west of the intersection with Lakeside Drive in North Strabane Township. The site was previously a wooded area surrounded by residential areas. Future use of the site will be a residential development.

Special Conditions: N/A

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

Southwest Regional Office

Applicant: **Peoples Natural Gas Company LLC**

Applicant Address: 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212

Application Number: **PA630007D**

Application Type: New

Municipality/County: Amwell Township, Morris Township, South Franklin Township, and South Strabane Township, **Washington County**.

Project Site Name: Goodwin Tombaugh Phase 4 Areas 1 and 2

Total Earth Disturbance Area (acres): 39 acres

Surface Waters Receiving Stormwater Discharges: Chartiers Creek (TSF), Fork of Bane Creek (TSF), Little Tenmile Creek (TSF), Potato Run (TSF), Redd Run (TSF), Shipe Run (TSF), Tenmile Creek (WWF)

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

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

Project Description: The Project consists of the installation of 10 miles of new 2-inch plastic gas pipeline in Amwell, Morris, South Franklin, and South Strabane Townships, Washington County, PA. PNG intends to complete a portion of the Project using Horizontal Directional Drilling (HDD) to reduce earth disturbance and limit environmental impacts. The remainder of the Project will be installed via trenching methods. Use of the existing pipeline will be abandoned. The pipeline will remain in place except for sections of exposed pipeline within streams and wetlands, which will be removed. Additionally, the abandoned pipeline will either be removed or capped at all stream and wetland crossings in accordance

with PADEP requirements. In-lieu of grouting the abandoned line at resource crossings, PNG shall maintain liability of the abandoned line. If there are any environmental concerns or any issues identified due to the abandoned pipe, PNG will be responsible to correct the issue. The Project will be restored to pre-construction conditions and no new permanent impervious areas are proposed.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Bridging Pennsylvania Developer I, LLC**

Applicant Address: Nova Tower 1, Suite 300, Pittsburgh, PA 15212

Application Number: **PAD400075**

Application Type: New

Municipality/County: East Side Borough, Kidder Township, White Haven Borough, **Carbon County, Luzerne County**

Project Site Name: SR 0080 Bridge Replacement Project Over Lehigh River

Total Earth Disturbance Area (acres): 34.27 acres

Surface Waters Receiving Stormwater Discharges: 1. Linesville Creek (HQ-CWF, MF); 2. Lehigh River (HQ-CWF, MF); 3. UNT to Lehigh River (HQ-CWF, MF)

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

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

Project Description: The project consists of replacing the bridges that cross the Lehigh River on I-80, roadway realignment and reconstruction, associated stormwater management facilities, and other roadway improvements.

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.

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30-days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (DEP) the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

Application(s) Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Central Office: Safe Drinking Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-772-4477.

Contact: Jacob Fogarty, Env Eng.

Application No. 9996632, Bottled Vended Bulk Retail, Public Water Supply.

Applicant	Culligan Water MOV
Address	4815 State Route 339 Vincent, OH 45784
Municipality	Barlow Township
County	Washington County
Responsible Official	Steve Byus 4815 State Route 339 Vincent, OH 45784
Application Received	November 28, 2023
Description	This application was submitted before, but the client never submitted final paperwork. The permit was returned to the applicant, then was correct and sent back to us. This is technically a resubmission of the application and therefore needs to be reposted.

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

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Application No. 6023504, Construction, Public Water Supply.

Applicant **Hidden Valley Camping Resort**
 Address 162 Hidden Valley Camping Lane
 Mifflinburg, PA 17844
 Municipality West Buffalo Township
 County **Union County**
 Responsible Official Erik Felsted
 162 Hidden Valley Lane
 Mifflinburg, PA 17844
 Consulting Engineer Irina O Holt
 466 South Main Street
 Montrose, PA 18801
 Application Received November 27, 2023
 Description Addition of an existing ground water well and chemical treatment to achieve 4 log disinfection.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, Clerical Assistant 2, 570-830-3048.

Application No. 5223506, Construction, Public Water Supply.

Applicant **Laurel Woods MHC LLC**
 Address 100 Swale Brook Lane
 Milford, PA 18337
 Municipality Lackawaxen Township
 County **Pike County**
 Responsible Official Raj Dalavai
 100 Swale Brook Lane
 Milford, PA 18337
 Consulting Engineer Irina O. Hott, P.E.
 JHA Companies
 466 South Main St
 Montrose, PA 18801
 Application Received November 6, 2023
 Description The applicant proposes add manganese greensand filtration.

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

Contact: Renee Diehl, Program Manager; ra-epswsdw@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 and Penn Hills Township
 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 November 7, 2023
 Description Replacement of East McKeesport Tank, addition of chemical storage building and tanks at the Nadine Pump Station, and chemical replacement of Aluminum Sulfate.

Application No. 1123616, Public Water Supply.

Applicant **Highland Sewer and Water Authority**
 Address 120 Tank Drive
 Johnstown, PA 15904
 Municipality Croyle Township, Jackson Township, and Summerhill Borough
 County **Cambria County**
 Responsible Official Jeremy Horvath, Manager
 120 Tank Drive
 Johnstown, PA 15904
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501
 Application Received November 7, 2023
 Description The project consists of addition and replacement of approximately 35,800 linear feet of distribution water line with all necessary appurtenances; three new water tanks; two existing pump stations will be replaced; and, a new pump station will be added.

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.

Clearfield Rite Aid, Primary Facility ID # **856836**, 307 E Market Street, Clearfield, PA 16830, Clearfield Borough, **Clearfield County**. ECS Mid-Atlantic LLC, 100 E Kensing Drive, Suite 300, Cranberry Township, PA 16066 on behalf of Joesph Dellantonio, 124 Rock Hill Rd, Centre Hall, PA 16828, submitted a Notice of Intent to Remediate concerning groundwater contaminated with polycyclic aromatic hydrocarbons (PAHs). The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Progress* on March 30, 2023. Application received: November 21, 2023.

Industrial Piping Systems, Primary Facility ID # **870825**, 1309 Commerce Park Drive, Williamsport, PA 17701, Loyalsock Township, **Lycoming County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Industrial Piping Systems, Inc., 1250 Toronita Street, York, PA 17402, submitted a Notice of Intent to Remediate concerning soil and groundwater contaminated with Trichloroethene, Tetrachloroethene and dissolved lead. The applicant proposes to remediate the site to meet the Statewide health and site-specific standards. The Notice of Intent to Remediate was pub-

lished in *Williamsport Sun-Gazette* on November 16, 2023. Application received: November 20, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

Rylee Well Pad, Primary Facility ID # **863851**, 1724 Fannon Muldoon Road, Meshoppen, PA 18630, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Cheaspeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of production fluid (brine). The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on November 15, 2023. Application received: November 17, 2023.

Rayco Eurospec Motors, Primary Facility ID # **870812**, 715 Wyoming Avenue, Kingston, PA 18704, Kingston Borough, **Luzerne County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651 on behalf of Rayco Eurospec Motors, 715 Wyoming Avenue, Kingston, PA 18704, submitted a Notice of Intent to Remediate. Soil was contaminated with gasoline from underground storage tanks. The Notice of Intent to Remediate was published in *The Times Leader* on November 16, 2023. Application received: November 27, 2023.

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

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

Former CNH Belleville Industrial America, LLC—Paint Disposal, Primary Facility ID # **682234**, 83 Central Penn Avenue, Belleville, PA 17004, Union Township, **Mifflin County**. TRC Environmental Corporation, 999 Fourier Drive, Suite 101, Madison, WI 53717 on behalf of BV Property II, LLC, 83 Central Penn Avenue, Belleville, PA 17004, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil and groundwater contaminated with Metals and Petroleum. The site will be remediated to the site-specific standard. Future use of the site is nonresidential. The Notice of Intent to Remediate was published in *LNP* on May 10, 2023. Application received: October 20, 2023.

Former CNH Belleville Industrial America, LLC—Paint Disposal, Primary Facility ID # **682234**, 83 Central Penn Avenue, Belleville, PA 17004, Union Township, **Mifflin County**. TRC Environmental Corporation, 999 Fourier Drive, Suite 101, Madison, WI 53717 on behalf of CNH Industrial America LLC, 3301 South Hoover Road, Wichita, KS 67215, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil and groundwater contaminated with Metals and Petroleum. The site will be remediated to the site-specific standard. Future use of the site is nonresidential. The Notice of Intent to Remediate was published in *LNP* on May 10, 2023. Application received: October 20, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Horowitz Residence, Primary Facility ID # **868596**, 2688 Aquetong Road, New Hope, PA 18938, Solebury

Township, **Bucks County**. Matthew Mercuri, PG, RMS Environmental, 1000 East Walnut Street, Suite 722, Perkasio, PA 18944 on behalf of Staci Cottone, J&J Environmental, P.O. Box 360, Fairview Village, PA 19409, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with fuel oil No. 2. The proposed future use of the property will remain residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on October 29, 2023. Application received: November 7, 2023.

Valenza Residence, Primary Facility ID # **870614**, 2314 Muskrat Road, Sellersville, PA 18960, East Rockhill Township, **Bucks County**. Andrew Markoski, Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464 on behalf of Rachel Magargal, Bucks Run Oil, LLC, 2632 Wassergrass Road, Hellertown, PA 18055, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with heating oil in soil. The future use of the property will remain residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Bucks County Courier Times* on October 10, 2023. Application received: November 1, 2023.

Kennett Square Mushroom Operations, LLC, Primary Facility ID # **866592**, 8810 Gap-Newport Pike, Avondale, PA 19311, New Garden Township, **Chester County**. Mark E. Zunich, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Matthew Cardile, Kennett Square Mushroom Operations, LLC, P.O. Box 299, Avondale, PA 19311, submitted a Notice of Intent to Remediate. The site has been found to be impacted with diesel fuel which has impacted soil on the site. The proposed future use of the property will continue to be of industrial use for the foreseeable future. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Daily Local News* on September 19, 2023. Application received: October 9, 2023.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGR123SW070, Range Resources—Appalachia, LLC, 3000 Town Center Blvd, Canonsburg, PA 15317, Jefferson Township, **Washington County**. A Determination of Applicability for coverage under General Permit No. WMGR123 was received. Range Resources—Appalachia, LLC is proposing to place one 13,000 bbl nominal capacity open-air storage tank and associated equipment to act as a Reuse Water Storage Facility (RWSF) to be used to support unconventional well completions. The storage facility will include one storage tank within a

secondary containment system, drive-on truck containment system, and transfer pump. The RWSF will be located at the MCC Partners Well Pad, 83 Walker Road, Burgettstown, PA 15021. Application received: November 3, 2023. Deemed administratively complete: November 20, 2023.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Contact: Waste Management Program Manager.

101706. Michael Brothers Hauling, Inc., 5331 McAnulty Road, Pittsburgh, PA 15236, Baldwin Borough, **Allegheny County**. Michael Brothers Hauling Inc. has submitted an application for a major modification to their existing individual municipal waste permit (ID 101706) for the facility located at 5331 McAnulty Road, Pittsburgh, PA (Baldwin Borough, Allegheny County). The major modification application requests approval of a closure plan, permit termination and bond release. Application received: September 15, 2023. Deemed administratively complete: November 22, 2023.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGR038SW015. Fayette County Tire Recycling, LLC, 195 Enterprise Lane, Connellsville, PA 15425,

Bullskin Township, **Fayette County**. A Determination of Applicability for coverage under Residual Waste General Permit No. WMGR038 to allow acceptance and processing of waste tires at the proposed Fayette Tire Recycling facility located at 2200 Industrial Drive, Connellsville, PA 15425, was received. Waste tires collected at the facility will be temporarily stored on-site, processed, and then transported off-site for beneficial reuse. Application received: November 7, 2023. Deemed administratively complete: November 21, 2023.

Questions concerning the application should be directed to Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Enviro Care, Inc., 505 North Main Street, North Salt Lake, UT 84054-2101. **License No. PA-AH0940**. Accepted: July 5, 2023.

BBU Services of WV, LLC, 986 Kentuck Road, Kenna, WV 25248. **License No. PA-AH0945**. Accepted: September 18, 2023.

Atlantic Recovery Services, Inc., 8 Tree Lane, Levittown, PA 19054. **License No. PA-AH 0947**. Accepted: October 2, 2023.

Wolfe's Excavating DBA Wolfe's Environmental Transport, 70 Columbia Blvd, Clarksburg, WV 26301. **License No. PA-AH 0948**. Accepted: October 4, 2023.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office.

Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

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

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

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

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

PLAN APPROVALS

Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.

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

Contact: Shailesh Patel, P.E., Environmental Group Manager.

48-00037B: Chrin Brothers Sanitary Landfill Inc., 1225 Industrial Drive, Easton, PA 18042, Williams Township, **Northampton County**. Application received: November 14, 2023.

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.

14-00046A: McGhee Scrap Co., 112 Birch St., Beech Creek, PA 16822, Liberty Township, **Centre County**. Application received: September 8, 2023. For a State Only plan approval application that would authorize the construction of the previously listed facility's shredder project, including the Source ID P001 shredder operation; the Source ID P002 ECS plant operation; as well as the two diesel engines associated with Source IDs P003 and P004. The project location would be within the McGhee Scrap facility, which is currently an unpermitted facility. The Department's review of the information submitted on behalf of the previously listed McGhee Scrap facility indicates that the air contamination sources to be constructed, including the modification to the facility, will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including not limited to the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, as well as other requirements including the National Performance Standards for Stationary Source (NSPS) codified in 40 CFR Part 60 Subpart IIII for stationary compression-ignited reciprocating internal combustion engines, as well as the National Emissions Standards for Hazardous Pollutants (NESHAP) 40 CFR Part 63 Subpart ZZZZ for stationary reciprocating engines. Based on this finding, the Department proposes to issue a plan approval for the proposed construction and other previously listed changes. The emissions from each proposed new source and modification is being permitted to not exceed the following limits: The total combined fugitive particulate matter (PM), PM less than 10 microns (PM₁₀), PM less than 2.5 microns (PM_{2.5}), VOC, and HAP emissions from the proposed Source P001 shredder operation shall not exceed 1.0 ton, 0.36 ton, 0.33 ton, 4.51 tons, and 0.21 ton in any twelve consecutive month period. In addition, no person may authorize the combined total Source ID P101 material throughput to exceed 24,500 tons in any twelve consecutive month period. Moreover, the source operations associated with Source IDs P001, P003 and P004 will be subject to a total annual operating time restriction not to exceed 700 hours in any twelve consecutive month period. The total PM, PM₁₀, PM_{2.5}, NO_x, CO, VOC and HAP emissions from each of the proposed Source P003 and P004 engines shall not exceed 0.06, 0.06, 0.06, 6.95, 1.56, 0.025, and 0.015 ton in any twelve consecutive month period, respectively. The total combined fugitive PM, PM₁₀, and PM_{2.5} emissions from the proposed Source P002 ECS plant operation shall not exceed 1.5 tons, 0.55 ton, and 0.50 ton in any twelve consecutive month period. In addition, no person may authorize the combined total Source ID P101 material throughput to exceed 28,000 tons in any twelve consecutive month period. The source operations associated with Source ID P002 will be subject to a total annual operating time restriction not to exceed 1,400 hours in any twelve consecutive month period. In addition to the previously listed emission, and other, limitations the other conditions

that the Department intends to place in the plan approval for all sources at the facility include: testing, periodic monitoring, recordkeeping, reporting, work practice, and other requirements as necessary to verify compliance in accordance with all applicable regulatory requirements within 25 Pa. Code Chapters 121—145. The facility will be a State Only facility upon project startup. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications in the application for Plan Approval 14-00046A, 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.

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

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

54-00100A: JW Zaprazny Inc., 2401 Summer Valley Road, New Ringgold, PA 17960, East Brunswick Township, **Schuylkill County**. Application received: July 25, 2023.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval No. 54-00100A to JW Zaprazny Inc. for the construction and operation of a facility to turn end of life vehicles (ELV) into scrap metal at the facility to be located in East Brunswick Township, Schuylkill County.

The Department of Environmental Protection's (Department) review of the information submitted by the JW Zaprazny indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 60, Subpart IIII, 40 CFR Part 63, Subpart ZZZZ and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x, Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum.

The Plan approval and Operating Permit will include testing, monitoring, recordkeeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility will be a minor facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and specification of the application for Plan Approval No. 54-00100A, the Department will issue a State Only Operating Permit No. 54-00100A to the facility pursuant to the provisions of 25 Pa. Code § 127.

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 PA DEP, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701. Appointments for scheduling a review must be made by calling 570-826-2511.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Permit No. 54-00100A 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., Program Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

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.

15-0078J: Janssen Biotech Inc./Malvern, 200 Great Valley Parkway, Malvern, PA 19355, East Whiteland Township, **Chester County**. Application received: September 26, 2023. This plan approval application is for the installation and operation of one 450 kW natural gas fired, internal combustion engine/electric generator (EGEN) to serve the needs of Building M10. The EGEN will be used for emergency purposes, routine readiness testing and maintenance checks. The facility currently has Synthetic Minor State emission limits of 24.9 tpy NO_x, 3.97 tpy PM and 17.0 tpy SO_x. The plan approval will not exceed these existing limits. The projected potential emissions for the generator are 0.22 tpy NO_x, 0.44 tpy CO and 0.15 tpy VOC's. The Plan Approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft plan approval can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-30-00089E: Eastern Gas Transmission and Storage, Inc., 1657 Jefferson Road, Waynesburg, PA 15370, Franklin Township, **Greene County**. Application received: June 16, 2023. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval: PA-30-00089E to Eastern Gas Transmission and Storage, Inc. ("EGTS") for installation of one Solar Taurus 60-7800S natural gas-fired compressor turbine rated at 7,684 HP at ISO

conditions, controlled by an oxidation catalyst at the Crayne Compressor Station ("Crayne CS") located in Franklin Township, Greene County. Potential to emit from the project is estimated to be 11.5 tons of nitrogen oxides (NO_x), 8.5 tons of carbon monoxide (CO), 6.5 tons of particulate matter less than 10 microns in diameter (PM₁₀), 6.5 tons of particulate matter less than 2.5 microns in diameter (PM_{2.5}), 1.0 ton of sulfur dioxide (SO₂), 0.6 ton of volatile organic compounds (VOC), 0.1 ton of formaldehyde (HCHO), and 0.1 ton of total hazardous air pollutants (HAPs). This authorization is subject to State regulations including 25 Pa. Code Chapters 123—Standards for Contaminants; 127—Construction, Modification, Reactivation, and Operation of Sources; 135—Reporting of Sources; and 139—Sampling and Testing. This authorization is also subject to Federal New Source Performance Standards ("NSPS") including 40 CFR Part 60 Subparts KKKK, and OOOOa. Other applicable Federal regulations include 40 CFR Part 98—Mandatory Greenhouse Gas Reporting. Plan approval conditions include source specific emission limitations, operational restrictions, compliance testing and monitoring requirements, work practice standards, and associated recordkeeping and reporting requirements. The Department has determined that the proposed facility satisfies Best Available Technology ("BAT") requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit ("SOOP") application in accordance with 25 Pa. Code Subchapter F. The Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>. A person may oppose the proposed Plan Approval by filing a written protest with the Department through Melissa Jativa, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; mjativa@pa.gov; or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00089E) and a concise statement of the objections to the 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.

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

63-00027: Jessop Steel, LLC, 500 Green Street, Washington, PA 15301, Canton Township, **Washington County**. Application received: September 28, 2023.

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 63-00027. Approval of a Title V Operating Permit Modification and Reasonably Available Control Technology (RACT III) plan for Jessop Steel, LLC located in Canton Township, Washington County.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a modified Title V operating permit (TV-63-00027) to Jessop Steel, LLC to incorporate RACT III requirements.

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

- Source 031, two (2) 3.94 MMBtu/hr Miura LX-100SG boilers;
- Source 220, Miscellaneous Space Heaters rated at a combined 60.0 MMBtu/hr;
- Source 102, one (1) shot-blast unit;
- Source 110, seven (7) 110" Olson Mill Heating Furnaces rated at 20.0 MMBtu/hr each;
- Source 126, Pickling Operations rated at 25 TPH;
- Source 127, Production Burning rated at 20 TPH;
- Source 130, two (2) Grinding Machines;
- Source 140, fourteen (14) Bar Mill Annealing Furnaces rated at various capacities between 3.3 and 15.0 MMBtu/hr;
- Source 150, one (1) Salem 6425-7A S.W.S.L. 400" Annealing Furnace;
- Source 160, one (1) Salem 6425-7A D.W.S.L. 400" Annealing Furnace;
- Source 170, Parts Cleaners;
- Source 180, one (1) Olson Engineering 4836-6 100" Mill Reheat Furnace;
- Source 181, one (1) LOI, Inc. 110" Mill Reheat Furnace rated at 26.1 MMBtu/hr;
- Source 210, Cooling Towers;
- Source 230, Vehicle Travel;
- Source 250, one (1) Core Furnace Systems Charge Fire Furnace rated at 22.0 MMBtu/hr;
- Source 260, one (1) Core Furnace Systems Hybrid Annealing Furnace rated at 34.8 MMBtu/hr; and
- Miscellaneous Sources including a wastewater treatment plant, a wastewater treatment plant silo, a baghouse dust silo, parts cleaner, a sulfuric acid storage

tank, a process tank, non-VOC and non-HAP storage tanks, plasma cutters, shears, levelers, flatteners, cut-off saws, Cleanox pickling, two (2) gantry belt grinders, and two (2) high efficiency cyclones.

The facility has potential emissions of 257.2 TPY NO_x; 165.4 TPY CO; 76.8 TPY PM; 1.8 TPY SO_x; 29.25 TPY VOC; 5.6 TPY total HAP; 1.6 TPY single HAP; and 29,069 TPY CO₂e. Emission limitations, operating requirements, and work practice standards along with monitoring, recordkeeping, and reporting requirements have been included in this proposed revision to the Title V operating permit to ensure that the facility complies with applicable Federal and State air quality regulations. Furthermore, in accordance with 25 Pa. Code §§ 129.111—129.115, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT III plan and an amendment to the State Implementation Plan (SIP) for the aforementioned facility. The facility is not subject to any RACT III requirements for VOC.

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

The proposed amendments to the RACT III determination, if finally approved, will be incorporated into a revised operating permit 63-00027 for the facility. The relevant RACT III requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT III determination will be excluded from the SIP submittal.

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

Source ID	Description	Regulatory Citation	RACT	TVOP 63-00027 Condition No.
110	110" Mill Heating Furnaces No. 1-7	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 110, Condition # 002
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 110, Condition # 001
150	SWSL 400" Annealing Furnace	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 150, Condition # 005
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 150, Condition # 004

<i>Source ID</i>	<i>Description</i>	<i>Regulatory Citation</i>	<i>RACT</i>	<i>TVOP 63-00027 Condition No.</i>
160	DWSL 400" Annealing Furnace	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 160, Condition # 005
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 160, Condition # 004
180	Olson 110" Mill Reheat Furnace No. 8	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 180, Condition # 002
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 180, Condition # 001
181	LOI 110" Mill Reheat Furnace No. 9	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 181, Condition # 002
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 181, Condition # 001
250	110" Mill Heating Furnace No. 10 (Idled)	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 250, Condition # 006
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 250, Condition # 005
260	Hybrid Annealing Furnace	25 Pa. Code § 129.114(i)	Install, maintain, and operate the air contamination source in accordance with the manufacturer's specifications and with good operating practices.	Section D, Source 260, Condition # 006
		25 Pa. Code § 129.115	The permittee shall maintain records of compliance demonstration consistent with 25 Pa. Code § 129.115(f).	Section D, Source 260, Condition # 005

A public hearing will be held on January 9, 2024, from 9:30—10:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be January 2, 2024. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

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

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written

copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from December 9, 2023 will exist for the submission of comments, protests, and information. Each submission must contain the name, address, and telephone number of the person submitting the comments, identification of the RACT III Operating Permit including the permit number and a concise statement regarding the relevancy of the

information or objections to the RACT III Plan or the operating permit modification.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by contacting Thomas Joseph, Environmental Engineering Manager, at 412-442-4336 or tjoseph@pa.gov.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Camarda at 412-442-4203 or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

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

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.

CORRECTION—previously published on November 11, 2023.

15-00010, Cleveland Cliffs Plate LLC, 139 Modena Rd, Coatesville, PA 19320, City of Coatesville, **Chester County**. Application received: December 19, 2022. This is a revision of the *Pennsylvania Bulletin* Notice published on November 11, 2023. This notice is regarding the modification of the Title V Operating Permit in Coatesville Borough, Chester County. This modification incorporates the RACT Phase III requirements into the existing operating permit in accordance with 25 Pa. Code § 129.114(a) [Alternate RACT proposal]. The facility recycles steel and reforms it into steel slabs or steel ingots. The facility is both major for NO_x emissions and VOC emissions. The following sources are subject to case-by-case RACT III regulations: the EMS Boiler (Source ID 055), BHT Furnaces # 2—# 8 and # 10 (Source ID 136), the 200' NAB Furnace (Source ID 146B), Soaking Pits # 35—# 49 (Source ID 151), Identification Marking (Source ID 250), and the Continuous Caster Spray Chamber (Source ID 270). The RACT analysis provided by Cleveland Cliffs Plate, LLC was evaluated to determine if any new or additional controls could be required to reduce NO_x and/or VOC from the aforementioned sources. DEP concurs with the analysis performed by Cleveland Cliffs Plate, LLC that there are no additional controls available currently that are both technically and economically feasible. Where appropriate, NO_x and VOC limits have been established for the case-by-case sources, including methods of compliance. For those sources subject to presumptive RACT requirements of 25 Pa. Code § 129.112, applicable conditions will be incorporated into the Title V Operating Permit. Changes to the existing operating permit that are made in conjunction with RACT Phase III will be submitted to EPA for review and approval to be added to the state implementation plan. This permit is being modified in accordance with 25 Pa. Code § 127.541. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit in-

cludes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. A public hearing will be held on January 23, 2024 at 1:30 P.M. at the DEP Southeast Regional Office, 2 E. Main Street, Norristown, PA 19401, to accept oral comments on the proposed RACT III Alternate Proposal and the proposed SIP revision. To register to speak at the hearing, please contact Ms. Stephanie Berardi, Community Relations Coordinator, at sberardi@pa.gov or 484.250.5808. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be January 18, 2024. Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days after the public hearing to Janine Tulloch-Reid at 2 E. Main Street, Norristown, PA 19401, or at jtullochre@pa.gov. All pertinent documents are available electronically for public review and copies can be requested by contacting Janine Tulloch-Reid at 484-250-5920 or at jtullochre@pa.gov. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

46-00299, Innovation 411 Fee Owner LLC, 411 Swedeland Rd, King of Prussia, PA 19046, Upper Merion Township, **Montgomery County**. Application received: August 9, 2023. This is for a renewal of the Title V Operating Permit for a facility, formerly owned and operated by Merion Innovations I LLC and Merion Innovations III LLC, of mixed-business tenant commercial property used for R&D, office and finance. The facility's major emission points include: three dual fuel-fired (i.e., natural gas and No. 6 fuel oil) Cleaver Brooks boilers, three diesel fuel-fired electric generators, each equipped with oxidation catalysts to control carbon monoxide (CO) emissions, three diesel fuel-fired emergency generators and two above-ground storage tanks (ASTs) containing No. 2 and No. 6 fuel oil, which emit major levels of nitrogen oxides (NO_x). The facility is also classified as an area or minor source of hazardous air pollutants (HAPs). The initial permit was issued on 4-16-2019 and was subsequently administratively amended for a Change of Ownership (COO) on 1-26-2021. CAM (40 CFR Part 64) was addressed at the initial permit. All new and revised regulatory changes have been addressed in this renewal. The Title V Operating Permit contains monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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.

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

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

03-00062, Freeport Terminals, P.O. Box 29, Butler, PA 16003-0029, Freeport Borough, **Armstrong County**. Application received: December 20, 2022. The Department intends to issue a State Only Operating Permit renewal for the facility. Emission sources at this facility include a natural gas boiler rated at 30.1 MMBtu/hr, a barge train/truck transshipping terminal, a scrap iron processing area, railcar loading and unloading, crushing operations, and a storage tank farm. Potential emissions from this facility are as follows: 25.4 tons per year (tpy) NO_x, 6.4 tpy CO, 2.1 tpy VOC, 25.5 tpy PM, 9.4 tpy, PM₁₀, 9.2 tpy PM_{2.5}, 0.3 tpy SO₂, and 0.4 tpy total HAPs. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. The above ground storage tanks # 4 and # 5 are potentially subject to New Source Performance Standards from 40 CFR Part 60 Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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.

21-03021, Amsted Rail Company, Inc., 3420 Simpson Ferry Rd., Camp Hill, PA 17011, Lower Allen Township, **Cumberland County**. Application received: September 20, 2023. For the operation of a railway equipment manufacturing facility. This is for renewal of the existing state-only permit. Potential emissions from the facility are estimated at 0.0013 tpy PM, 6.05 tpy VOC, and 1.0879 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories and 25 Pa. Code § 129.52d.

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

06-03141, UGI LNG, Inc., 1 Meridian Blvd., Suite 2C01, Wyomissing, PA 19610, Ontelaunee Township, **Berks County**. Application received: December 22, 2022. For operation of a natural gas liquefaction facility. This is for renewal of the existing state-only permit. Overall potential NO_x and CO emissions from the operation are 11.26 and 4.99 tons per year. Emissions of all other criteria pollutants are considered minor. 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; 40 CFR Part 60, Subpart Dc; and 40 CFR Part 60 Subpart KKKK.

01-03032, Carma Industrial Coatings, Inc., 45 Enterprise Dr., New Oxford, PA 17350, Berwick Township, **Adams County**. Application received: May 15, 2023. For the operation of a surface coating facility. This is for renewal of the existing State-Only Permit. The facility potential emissions are 1.30 tons of CO, 1.54 tons of NO_x,

0.12 ton of PM, 0.01 ton of SO_x, and 8.0 tons of VOC, and 4.46. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 25 Pa. Code § 129.52d Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

36-03021, J. Walter Miller Co., 411 East Chestnut Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Application received: September 12, 2023. To issue a State Only Operating Permit for the copper foundry operations. This is for renewal of the existing State-Only Permit. The potential emissions from the facility are estimated at 94.7 tpy of PM, 16.7 tpy of VOC, and 1.2 tpy of Lead. 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 ZZZZZZ—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries, and 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

46-00181, Altamira Material Solutions LP, 1600 Industry Rd, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Application received: August 31, 2022. This action is for the renewal of a State Only Natural Minor Operating Permit. Altamira performs an etching process on teflon materials, using a sodium ammonia solution, to prepare the materials for bonding to a metal, plastic, or other substrate. The facility is a natural minor facility for NO_x emissions at 1.31 tons per year of NO_x. This Operating Permit renewal includes monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

23-00052, Crozer-Chester Medical Center, 1 Medical Center Blvd, Upland, PA 19013, Upland Borough, **Delaware County**. Application received: April 5, 2023. This action is for the renewal of the Synthetic Minor Operating Permit at Crozer-Chester Medical Center, a hospital, consisting of the main hospital building, a North Campus consisting of two buildings, and various administrative buildings around the hospital. Sources include three (3) primary dual fuel-fired boilers (Source IDs 035–037), various natural gas-fired boilers/heaters/water heaters (Source ID 038), various No. 2 fuel oil-fired boilers (Source ID 039), various No. 2 fuel oil-fired emergency generators (Source IDs 109 and 112), two (2) natural gas-fired emergency generators, and insignificant oil-fired heaters. Additionally, a 2.5 MW No. 2 fuel oil-fired emergency generator (Source ID 113) was in-

stalled under Request for Determination No. 7545. The three (3) primary dual fuel-fired boilers are subject to 40 CFR Part 60, Subpart Dc. The No. 2 fuel oil-fired boilers are subject to 40 CFR Part 63, Subpart JJJJJ. The 2.5 MW No. 2 fuel oil-fired emergency generator is subject to the requirements of 40 CFR Part 60, Subpart IIII. To avoid being a major facility for NO_x, the facility has accepted a sitewide NO_x limit of 24.9 tons per 12-month rolling period. Potential emissions from the facility are: 24.9 TPY for NO_x, 3.17 TPY for VOC, 26.69 TPY for CO, 2.72 TPY for SO_x, 3.83 TPY for PM, and 0.58 TPY for Total HAP. The Synthetic Minor Operating Permit was last renewed on December 14, 2018. The operating permit will continue to contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

15-00061, Phoenixville Hospital LLC, 140 Nutt Rd, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. Application received: August 21, 2023. This action is for the renewal of the Synthetic Minor Operating Permit for the operation of boilers and emergency generators at the hospital located in Phoenixville, PA. The facility is classified as a Synthetic Minor for Nitrogen Oxides (NO_x emissions) and particulate matter emissions (PM); facility-wide potential to emit NO_x is less than 25 tons per year and facility-wide PM potential to emit is less than 100 tons per year, after take hours of operation restriction per source. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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.

63-00621, Accutrex Products, Inc., 112 Southpointe Blvd., Canonsburg, PA 15317, Cecil Township, **Washington County**. Application received: March 27, 2023. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal State Only Operating Permit for the Accutrex Products, Inc., Cecil Plant in Cecil Township, Washington County. Emission sources at this facility include a spray paint booth, two powder coating booths, two drying ovens, a Super Koropon Primer spray booth, a Shim Stock surface coating line, a sandblasting unit with a baghouse that exhausts indoors, and an emergency generator. The facility currently has permit conditions restricting potential emissions to 45.0 tons per year (tpy) of VOC, 9.0 tpy of a single HAP, and 22.0 tpy of total HAPs. Actual emissions over the previous five-year permit term have been less than 1.0 tpy of VOC and 0.1 tpy of HAPs. The facility is subject to the applicable requirements of Title 25 Pa. Code Chapters 121–145. The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazard-

ous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The proposed operating permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting, work practice requirements, and recordkeeping requirements for the facility. 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> and by calling Thomas Joseph, P.E., Environmental Engineer Manager, at 412-442-4336. 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 Nick 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 63-00621) 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.

65-01123, Pennsylvania Turnpike Commission/AKH Maintenance Facility, 241 AKH Maintenance Lane, Jeanette, PA 15644, Hempfield Township, **Westmoreland County**. Application received: August 24, 2023. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue an initial natural minor State Only Operating Permit for a small electrical generating facility located in Hempfield Township, Westmoreland County. The Pennsylvania Turnpike Commission operates one electrical generating engine and several small tanks at the AKH Maintenance Facility. This facility has a potential to emit 2.8 tons/12-consecutive month period (12-cmp) of NO_x, 5.5 tons/12-cmp of CO, 0.02 ton/12-cmp of SO_x, 0.9 ton/12-cmp of VOCs, 0.1 ton/12-cmp PM₁₀, 0.4 ton/12-cmp of HAPs, and 0.22 ton of formaldehyde. 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> and by contacting Tom Joseph, Environmental Engineering Manager, at 412-442-4336 or tjoseph@pa.gov. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the

person submitting the comments, identification of the proposed Operating Permit (65-01123) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Environmental Engineering Manager, at the previously listed address.

PLAN APPROVALS

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

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

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

40-00153B, Modineer Pulverman, LLC, 1170 Lower Demunds Road, Dallas, PA 18612, Dallas Township, Luzerne County. Application received: October 25, 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 # 40-00153B to Modineer Pulverman, LLC (1170 Lower Demunds Road, Dallas, PA 18612) to modify an existing Powder Paint Spray Booth that is controlled by a Farr cartridge-type dust collector at their existing manufacturing facility located in Dallas Township, Luzerne County.

The Department of Environmental Protection's (Department) review of the information submitted by Modineer Pulverman, LLC indicates that an existing Powder Paint Spray Booth that is controlled by a Farr cartridge-type dust collector operating presently with exhaust recirculates back to the plant 100% of the time. By this application the company has requested to modify the dust collector exhaust for discharge to the outside atmosphere during the summer season for heat relief. This 10,000 CFM cartridge-type dust collector was installed in 2016. The powder paint is 100% solids that is applied electrostatically to metal parts, and then cured by electric heaters. The small amount of overspray is fine PM that is controlled by cartridge filters, which are known to be Best Available Technology (BAT). There is no VOC-content in the paint; and, therefore, there are no potential VOC emissions. The process will comply with all regulatory requirements pertaining to air contamination source and the emission of air contaminants including 25 Pa. Code § 123.41 for visible emissions and the best available

technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The dust collector will collect 99% of particulate emissions generated from the overspray before discharging into atmosphere. The use of baghouse capable of removing 99% of emissions meets Department's BAT criteria for this type of process. The company will operate the source and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

The facility is a State Only facility. If the Department determines that the process is modified and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 40-00153B, the requirements established in the plan approval will be incorporated into State Only Operating Permit 40-00153 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northeast Regional Office, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review must be made by calling 570-826-2511.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Permit No. 40-00153B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mark Wejkszner, Program Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

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.

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

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

Contact: Bonnie Herbert, Clerical Assistant.

Mining Permit No. 30161301. NPDES No. PA0236519. Marshall County Coal Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, Aleppo Township, **Greene County.** To revise the permit and related NPDES permit for installation of a bleeder shaft, affecting 22.95 proposed surface acres. Application received: October 10, 2023. Accepted: November 17, 2023.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

Mining Permit No. 17940107. NPDES No. PA0219801. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847, Karthaus Township, **Clearfield County.** Modification of an NPDES permit for a bituminous coal mine/coal refuse disposal affecting 531.0 acres. Proposal for construction of a new treatment facility for pit water from a coal surface mine that utilizes a non-discharge alternative. Receiving stream(s): watershed of an unnamed tributary to Saltlick Run classified for the following use(s): HQ-CWF, MF. Application received: November 22, 2023. Accepted: November 28, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54930102. PA0223492. Rausch Creek Coal Mining Good Spring, LLC, 978 Gap Street, Valley View, PA 17983, Porter Township, **Schuylkill County.** Renewal of an anthracite surface mine operation affecting 564.3 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: CWF. Application received: November 13, 2023.

Mining Permit No. 54860204. Premium Fine Coal, Inc., P.O. Box 268, Tamaqua, PA 18252, Walker Township, **Schuylkill County.** Renewal of an anthracite coal refuse reprocessing operation affecting 57.0 acres. Receiving stream: Little Schuylkill River, classified for the following uses: CWF, MF. Application received: November 16, 2023.

Mining Permit No. 49120102. Clinton M. Wynn Mining, 419 Shingara Lane, Sunbury, PA 17801, Zerbe and West Cameron Townships, **Northumberland County.** Renewal for reclamation activities only of an anthracite surface mine operation affecting 98.5 acres. Receiving streams: Mahanoy Creek and Zerbe Run, classified for the following uses: CWF, MF. Application received: November 13, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant.

NPDES No. PA0270032. Mining Permit No. 17-23-02. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County.** Application received: February 17, 2023.

Modified NPDES permit for discharge of water resulting from an abandoned coal mine reclamation project affecting 27.7 acres. Receiving stream(s): Lick Run, classified for the following use(s): HQ-CWF. This receiving stream is included in the Lick Run Watershed TMDL.

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

The following outfalls discharge to Lick Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sedimentation Pond A	Precipitation Induced
002	New	Treatment Basin TF-1	Precipitation Induced

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

<i>Outfalls: 001 & 002 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	

Outfalls: 001 & 002 (All Discharges)
Parameter

30-Day
Average

Daily
Maximum

Instant.
Maximum

Temperature (°C)
 Specific Conductivity (µmhos/cm)
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

Report
 Report

Noncoal NPDES Draft Permits

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

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

NPDES No. PA0125334. Mining Permit No. 4275SM20A. U.S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17042, Brady Township, **Huntingdon County**. Renewal of an NPDES permit for a sandstone quarry affecting 370.6 acres. Receiving streams: Juniata River, Saddler Creek, unnamed tributary to Shaughnessy Run and unnamed tributary to Flush Run, classified for the following uses: WWF, TSF, and HQ-CWF. Application received: February 27, 2023.

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

The following outfalls discharge to Juniata River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	N
008	N
009	N
012	N
015	N

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

<i>Outfalls: 006, 008, 009, 012, 015</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

The following outfall discharges to Saddler Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N

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

<i>Outfalls: 005</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

The following outfall discharges to Unnamed tributary to Flush Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
013N	N

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

<i>Outfalls: 013N</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

The following outfalls discharge to Unnamed tributary to Shaughnessy Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
010	N
011	N

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

<i>Outfalls: 010, 011 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	30.0	60.0	75.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

NPDES No. PA0118583. Mining Permit No. 0579201. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Broad Top Township, **Bedford County**. Renewal of an NPDES permit for surface mining of a slag pile affecting 9.03 acres. Receiving streams: Six Mile Run, classified for the following uses: warm water fisheries. There are no potable water intakes within 7 miles downstream. This receiving stream is included in the Six Mile Run TMDL. Application received: March 18, 2023.

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

The following outfall discharges to Six Mile Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

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

The following limits apply to all dry weather discharges from stormwater facilities to Six Mile Run.

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	N/A	N/A	9.0
Total Iron(mg/L)		3.0	6.0	7.0
Total Suspended Solids (mg/L)	N/A	35.0	70.0	90.0
Flow (gpm)	Report			

In response to precipitation events less than or equal to the 10-year/24-hour precipitation event

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	N/A	N/A	9.0
Total Settleable Solids (mL/L)	N/A	N/A	N/A	0.5
Flow (gpm)	Report			

In response to precipitation events greater than the 10-year/24-hour precipitation event

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant, 570-830-3077.

E5802123-003. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Rush Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: November 3, 2023.

To remove the existing structure and to construct and maintain a 52-foot wide pre-cast box culvert with a 13-foot normal clear span and an 8-foot minimum underclearance and to construct and maintain appurtenant structure features. The structure will carry SR 0706 across a tributary to East Branch Wyalusing Creek (CWF, MF). The project is located along SR 0706 Section 552 approximately 1-mile northeast of the SR 0706/3023 intersection (Lawton, PA Quadrangle, Latitude: 41.79734°, Longitude: -76.034126°) in Rush Township, Susquehanna County.

E6402123-005. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, South Canaan Township, **Wayne County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 3, 2023.

To remove the existing structure and to construct and maintain a 48.0-foot long single span concrete box beam bridge with a minimum underclearance of 4.4-foot carrying SR 3018 across Tributary Middle Creek (HQ-CWF, MF). The project is located along SR 3018 Sect 650, Segment 0110 Offset 2583, approximately 0.1 mile southwest of the intersection with Stove Pipe Road (Waymart, PA Quadrangle; Latitude: 41.521899° N, Longitude: -75.386028° W).

E4502223-011. Drew Bittenbender, 293 Mingo Road, Royersford, PA 19468, Tobyhanna Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 15, 2023.

To remove an old existing wooden dock and construct and maintain an 8-foot wide by 24-foot long section of modular aluminum dock within the basin of Arrowhead Lake (EV). The project is located at 1253 Arrowhead Drive in Arrowhead Lake Community (Thornhurst, PA Quadrangle Latitude: 41.149274; Longitude -75.566743) in Tobyhanna Township, Monroe County.

E4002123-013. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Milford Borough, Dorrance Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 20, 2023.

The following impacts are associated with the SR 0081 Section D52 project: 1. To remove the existing 3-span structure and to construct and maintain a 73-foot wide pre-stressed concrete PA bulb tee beam bridge with a 104-foot normal clear span and a 17.5-foot minimum underclearance and to construct and maintain appurtenant structure features. The structure will carry SR 0081 northbound across Big Wapwallopen Creek (CWF, MF). 2. To extend and maintain an existing 126' wide concrete box culvert by 23' and to construct and maintain appurtenant structure features. The structure carries SR 0081 over a tributary to Big Wapwallopen Creek (CWF, MF) and the culvert extension is needed to accommodate the widening of SR 0081 at this crossing location. Additional impacts at this location include 0.01 acre of PFO wetland fill due to structure grading. 3. To remove the existing structure and to construct and maintain a 60" wide by 38" high elliptical culvert followed by a 68" wide by 43" high elliptical culvert. The total stream enclosure length will be 163'. The structure will carry SR 3010 northbound across a tributary to Big Wapwallopen

Creek (CWF, MF). Additional impacts at this location include 0.01 acre of PSS wetland fill due to structure grading. The project is located along SR 0081 section D52 (Freeland, PA Quadrangle; Latitude: 41.112478°N, Longitude: -75.960750°W; Latitude: 41.108751°N, Longitude: -75.960488°W; Latitude: 41.107566°N, Longitude: -75.960457°W) in Dorrance Township, Luzerne County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E3306223-003. Sykesville Borough, 21 East Main Street, Sykesville, PA 15865, Sykesville Borough, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 16, 2023.

The applicant is proposing to construct and maintain approximately 7,511 linear feet of storm sewer replacement via open trench excavation permanently impacting 0.15 acre of watercourse (0.02 acre of Stump Creek and 0.13 acre of UNT's to Stump Creek) and 0.08 acre of floodway (0.07 acre to Stump Creek and 0.01 acre to UNT to Stump Creek) in Sykesville Borough, Jefferson County. Latitude: 41.048532°, Longitude: -78.822404°.

E2506223-005. International Recycling Group Inc., 1001 State Street, Erie, PA 16501, City of Erie, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 16, 2023.

The applicant proposes to construct a plastic recycling plant and office space, stormwater management facilities, roadways, rail spur, parking, utilities, and other ancillary features. The project will impact approximately 0.03 acre of Palustrine Emergent Wetland. The project is located on SR 5 approximately .25 mile of the intersection of Gilson Ave. Latitude: 42.140738°, Longitude: -80.048929°.

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

Contact: 717-705-4802.

E0703223-002. City of Altoona, Altoona City Hall, 1301 Twelfth Street, Suite 300, Altoona, PA 16601, City of Altoona, **Blair County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 21, 2023.

To perform work on Spring Run (WWF, MF) (Tyrone Quad; Latitude: 40° 32' 2.8", Longitude: -78° 23' 40"). The applicant proposes to replace or repair the deteriorated floodwalls, repair areas of existing scour and streambank erosion, improve the scour protection and streambank protection, and remove areas of gravel aggregation on Spring Run. The floodwall to be repaired is located adjacent to Park Boulevard, between W. 8th Avenue and W. 7th Avenue. The areas of the wall will consist of repairing with grout bags and build a concrete toe-wall to protect against scour. The repairs for the streambank erosion will be filled in with R-7 and R-4 riprap for protection. Approximately 0.24 acre of permanent stream impacts and 0.15 acre of permanent floodway impacts associated with the repairs and restoration of the section of Spring Run. There are no wetland impacts.

E2103223-007. Mr. Randy Heishman and Mrs. Angela Heishman, 1206 Creek Road, Carlisle, PA 17015, West Pennsboro Township, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 26, 2023.

To 1) install a canoe kayak launch and stone deflector permanently impacting approximately 1,200 square feet along Conodoguinet Creek and its floodway (WWF, MF),

to 2) install an at grade pervious paved walkway, permanently impacting approximately 400 square feet of the floodway of Conodoguinet Creek (WWF, MF), to 3) install an approximately 50 ft long retaining wall with height varying between 4 and 6 feet, and to 4) install a 20 ft long, 4.5 ft high stone retaining wall, both impacting the floodway of Conodoguinet Creek (WWF, MF). All proposed impacts are for the purpose of establishing a public portage around Heishman's Mill and Dam to allow for the Conodoguinet Creek Water Trail to safely be extended. The project is located at Longitude: 40.213663, Latitude: -77.315652 in West Pennsboro Township, Cumberland County. There are no wetland impacts associated with this project.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

EA4601223-004, WV4601223-005. Lower Merion Township, 75 East Lancaster Avenue, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 6, 2023.

To restore and rehabilitate approximately 1,900 feet of West Mill Creek within the West Mill Creek Park (TSF-MF) associated with the applicant's request for a 105.12(a)(16) waiver to conduct stream restoration and enhancement. The proposed rehabilitation will include the following: 1) Restoration will include reconnecting the floodplains where possible, and gravel bar removal. 2) J Hooks and rock vanes are utilized around stream bends to protect against further erosion. 3) Stabilize the streambanks, install aquatic habitat enhancement structures. 4) The proposed project will not increase flood elevations or adversely impact upstream, downstream, or adjoining properties and structures. 5) Biodegradable coconut coir logs proposed along the edge of the stream. To protect existing trees, armoring rip-rap toe protection at limited locations along the edge of the stream. 6) The project will not impact wetlands. The project is located at Mill Creek and Old Gulph Roads (Norristown, PA USGS Quadrangle) in Lower Merion Township, Montgomery County. Latitude: 40.022592°, Longitude: -75.277873°.

E0901223-011. Doylestown Township, 425 Wells Road, Doylestown, PA 18901, Doylestown Township, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 22, 2023.

Doylestown Township is proposing to perform watercourse restoration/bank stabilization along a 1,951.8 linear feet of stream reach through their Central Park Property within an unnamed tributary to Neshaminy Creek (TSF-MF) and as part of their MS4 requirement. This activity includes grading of the stream banks, toe protection, plantings, and the installation of rock vane/cross vane. Impacts to resource include 1,951.8 linear feet (20,493.9 square feet, 0.470 acre) of temporary watercourse impact, 58,944.4 square feet of temporary floodway impact to due to grading and construction access and 3,806.4 square feet (0.087 acre) of temporary wetland impact (PFO) for a restoration of former pond adjacent to the watercourse. This project is located off Turk Road between Quarry and Wells Roads in Doylestown Township, Bucks County (USGS PA Doylestown Quadrangle). Latitude: 40.284389°, Longitude: -75.134218°.

E4601223-032. Horsham Township Water & Sewer Authority, 617 Horsham Road, Horsham, PA 19044, Horsham Township, **Montgomery County**. U.S. Army

Corps of Engineers Philadelphia District. Application received: November 15, 2023.

Horsham Water and Sewer Authority is proposing to construct and maintain an elevated concrete platform and standby diesel generator at an existing facility within the floodway of Park Creek (WWF-MF). The purpose of this project is to supply continuous power to their PFA well treatment system. This activity will result in 1,650 square feet (0.038 acre) of permanent floodway impact. This project is located near Limekiln Pike south of McKean Road in Horsham Township, Montgomery County (USGS PA Ambler Quadrangle). Latitude: 40.201382°, Longitude: -75.186175°.

E4601223-033. Upper Moreland Township, 117 Park Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: November 27, 2023.

Upper Moreland Township is proposing to demolish and perform floodplain restoration activities restore at four (4) individual properties located along Surrey Lane and Lori Lane which were damaged by Hurricane Ida. These activities include demolition, removal of structures, excavation, removal of debris, site restoration, and stabilization of all disturbed areas: 1) 304 Surrey Lane includes 0.28 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.166060 N, Longitude 75.103448 W). 2) 101 Lori Lane includes 0.23 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.167201 N, Longitude 75.103069 W). 3) 102 Lori Lane includes 0.23 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.161041 N, Longitude 75.102807 W). 4) 103 Lori Lane includes 0.20 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.166875 N, Longitude 75.102537 W).

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

Contact: Dana Drake, Program Manager.

E0205223-014. Borough of Fox Chapel, 401 Fox Chapel Road, Pittsburgh, PA 15238, Fox Chapel Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 9, 2023.

The applicant proposes to: 1. Construct and maintain improvements and additions to McCahill Park within the 100 yr floodplain of Sycamore Run, including recreational courts, bleachers, stormwater facilities, erosion control facilities, and other necessary infrastructure, which will permanently impact approximately 5 acres of the 100 yr floodplain of Sycamore Run (HQ-WWF). 2. Construct and maintain a 24" corrugated plastic pipe (CPP) outfall with rip-rap apron in Sycamore Run to drain the stormwater management facility, which will permanently impact 9 linear feet of Sycamore Run. 3. Plant and maintain riparian vegetation within the 100' and 150' riparian buffer areas along Sycamore Run. For the purpose of constructing improvements to McCahill Park. The project site is located in McCahill Park along Hemlock Hollow Road (Glenshaw, PA USGS topographic quadrangle; N: 40°, 30', 34"; W: -79°, 53', 23"; Sub-basin 18A; USACE Pittsburgh District), in Fox Chapel Borough, Allegheny County.

E3005123-008. PennDOT District 12-0, 825 N. Galatin Ave. Ext., Uniontown, PA 15401, Monongahela Township, **Greene County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: October 23, 2023.

The applicant proposes to: 1. Remove the existing 115.91' by 47.1' Reinforced Concrete Closed Spandrel Deck Arch bridge with an under clearance of 11', and to construct and maintain a replacement 111' by 49.1' Single Span Composite Pre-Stressed Concrete Bulb-Tee Beam bridge with an under clearance of 13.6', having a permanent watercourse impact of 79 LF to Whiteley Creek (WWF), and a permanent floodway impact of 0.31 acre. 2. Construct and maintain two (2) 18" HDPE pipe outfall structures, namely OF-1, having a permanent watercourse impact of 17 LF, and OF-2, having a permanent watercourse impact of 13 LF, to Whiteley Creek (WWF). 3. Construct and maintain a rock lined ditch, having a total permanent watercourse impact of 154 LF to Whiteley Creek (WWF). 4. Construct and maintain a temporary stream diversion and other erosion and sediment control structures, having a combined temporary

watercourse impact of 172 LF to Whiteley Creek (WWF), a temporary watercourse impact of 34 LF to an unnamed tributary to Whiteley Creek (WWF), as well as a temporary floodway impact of 0.13 acre. For the purpose of replacing a structure, carrying SR 88 over Whiteley Creek. The project will have a cumulative and permanent impact to 113 LF of watercourses, and a cumulative temporary impact to 172 LF of watercourses. The project will also have approximately 0.31 acre of permanent impact and 0.13 acre of temporary impact, to the floodway of Whiteley Creek. The project site is located approximately 1,800 LF from the intersection of PA Route 88 and Sigsbee Road (Masontown, PA USGS topographic quadrangle; N: 39°, 49', 16.7465"; W: -79°, 57', 8.1734"; Sub-basin 19G; USACE Pittsburgh District), in Monongahela Township, Greene County.

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>
PA0088561	CAFO Individual NPDES Permit	Issued	Evergreen Farms Inc. 3102 Evergreen Lane Spruce Creek, PA 16683-1569	Franklin Township Huntingdon County	SCRO
PA340001D	Chapter 102 Individual NPDES Permit	Issued	UGI Utilities Inc. 1 UGI Drive Denver, PA 17517-9039	Lack Township Juniata County	SCRO
PAD350009	Chapter 102 Individual NPDES Permit	Issued	MDH F2 PA First Ave Owner LLC 100 W Matsonford Road Suite 5-250 Wayne, PA 19087-4559	Covington Township Lackawanna County	NERO
PAD400071	Chapter 102 Individual NPDES Permit	Issued	McCarthy Lambert Kathleen 340 Kidder Street Wilkes-Barre, PA 18702	Jackson Township Luzerne County	NERO
PAD460048	Chapter 102 Individual NPDES Permit	Issued	PPG Pine Road, LLC 171 State Route 173 Suite 201 Asbury, NJ 08802-1365	Lower Moreland Township Montgomery County	SERO
PAD480042	Chapter 102 Individual NPDES Permit	Issued	Easton Area School District 1801 Bushkill Drive Easton, PA 18040-8186	Palmer Township Northampton County	NERO
PAD480195	Chapter 102 Individual NPDES Permit	Issued	UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517-9039	Easton City Northampton County	NERO
PAD640043	Chapter 102 Individual NPDES Permit	Issued	Stonegate Holdings LLC 294 Ski Run Road Honesdale, PA 18431-7726	Cherry Ridge Township Wayne County	NERO
PA0244988	Industrial Stormwater Individual NPDES Permit	Issued	Tenneco Systems Protection Technical Center 241 Welsh Pool Road Exton, PA 19341-1316	Uwchlan Township Chester County	SERO
0913896	Joint DEP/PFBC Pesticides Permit	Issued	Fernberger Kathleen 1177 Pineville Road New Hope, PA 18938-9492	Buckingham Township Bucks County	SERO
0923827	Joint DEP/PFBC Pesticides Permit	Issued	Witt Marsha P.O. Box 68 Bedminster, PA 18910-0068	Bedminster Township Bucks 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>
0923828	Joint DEP/PFBC Pesticides Permit	Issued	Wrightstown Township 2203 Second Street Pike Wrightstown, PA 18940	Wrightstown Township Bucks County	SERO
1513827	Joint DEP/PFBC Pesticides Permit	Issued	Bernie Schaffer 136 Grubb Road Malvern, PA 19355-3504	Willistown Township Chester County	SERO
1523834	Joint DEP/PFBC Pesticides Permit	Issued	Kennett Square Golf & CC 100 E Locust Lane Kennett Square, PA 19348-1718	East Marlborough Township Chester County	SERO
2317801	Joint DEP/PFBC Pesticides Permit	Issued	Spring Haven Club 600 S Providence Road Wallingford, PA 19086-6605	Nether Providence Township Delaware County	SERO
6323801	Joint DEP/PFBC Pesticides Permit	Issued	Goodwin Zach 224 Vance Station Road Washington, PA 15301-3122	South Strabane Township Washington County	SWRO
0623404	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Burkholder Nevin Z and Stella Z 1205 Richmond Road Fleetwood, PA 19522	Maidencreek Township Berks County	SCRO
PA0034886	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	St Products LLC d/b/a Wieland Small Tube Products P.O. Box 1017 200 Oliphant Drive Duncansville, PA 16635-1017	Allegheny Township Blair County	SCRO
PA0082881	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Howmet Aerospace Inc. 201 Isabella Street Suite 300 Pittsburgh, PA 15212-5872	Lancaster City Lancaster County	SCRO
PA0093181	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Ind Wastes, LLC 100 Madison Avenue Toledo, OH 43604-1516	Darlington Township Beaver County	SWRO
PA0104426	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Corner Water Supply & Service Corp 113 Oakwood Lane Shippensburg, PA 16254-8614	Elk Township Clarion County	NWRO
PA0113948	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA Department of Corr 4395 Quehanna Highway Karthaus, PA 16845-8801	Karthaus Township Clearfield County	NCRO
0773201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	St Products LLC d/b/a Wieland Small Tube Products P.O. Box 1017 200 Oliphant Drive Duncansville, PA 16635-1017	Allegheny Township Blair County	SCRO
1190201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Green Energy Ventures LLC 243 Rubisch Road Ebensburg, PA 15931-4500	Cambria Township Cambria 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>
6423401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Lackawanna River Basin Sewer Authority P.O. Box 280 Olyphant, PA 18447-0280	Clinton Township Wayne County	NERO
6706406	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Jefferson Codorus Joint Sewer Authority P.O. Box 223 Codorus, PA 17311-0223	Codorus Township York County	SCRO
NOEXNW173	No Exposure Certification	Issued	Crawford County Region Airport Authority P.O. Box 1011 Meadville, PA 16335-7011	Vernon Township Crawford County	NWRO
NOEXSC212	No Exposure Certification	Issued	Republic Service of PA LLC 205 Industrial Road Highspire, PA 17034-1200	Highspire Borough Dauphin County	SCRO
NOEXSC213	No Exposure Certification	Issued	Republic Service of PA LLC 1235 Westlakes Drive Suite 310 Berwyn, PA 19312-2401	East Donegal Township Lancaster County	SCRO
NOEXSE165	No Exposure Certification	Issued	Veolia WTS USA Inc. 3600 Horizon Boulevard Feasterville Trevese, PA 19053-4945	Bensalem Township Bucks County	SERO
PAG030196	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mayer Pollock Steel Corp 850 Industrial Highway Pottstown, PA 19464	Pottstown Borough Montgomery County	SERO
PAG030216	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Penn Terminal LLC 1 Saville Avenue Eddystone, PA 19022-1527	Eddystone Borough Delaware County	SERO
PAG030263	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	TForce Freight Inc. 624 Old Reading Pike Stowe, PA 19464	West Pottsgrove Township Montgomery County	SERO
PAG030266	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Alloy Surfaces Co. Inc. 121 North Commerce Drive Chester Township, PA 19014	Chester Township Delaware County	SERO
PAG030271	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oldcastle Apg Northeast Inc. 1214 Hayes Boulevard Bristol, PA 19007-2913	Bristol Township Bucks County	SERO
PAG032320	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18109-3074	Hanover Township Lehigh County	NERO
PAG032322	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 600 Vine Street Suite 1400 Cincinnati, OH 45202-2400	Lehigh Township Northampton County	NERO
PAG033510	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Titanium Metals Corp d/b/a Timet 900 Hemlock Road Morgantown, PA 19543-9762	Caernarvon Township Berks County	SCRO
PAG033592	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PPG Reading Distr Center 2001 Centre Avenue Rear Reading, PA 19605	Reading City Berks 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>
PAG033614	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	FR & S Inc. 2650 Audobon Road Audobon, PA 19403	Exeter Township Berks County	SCRO
PAG033656	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Old Dominion Freight Line Inc. 500 Old Dominion Way Thomasville, NC 27360-8923	Reading City Berks County	SCRO
PAG033998	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	NPX One LLC 4275 Reading Crest Avenue Reading, PA 19605-1130	Muhlenberg Township Berks County	SCRO
PAG034839	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Clean Harbors 160 Logan Drive Muncy, PA 17756-7061	Muncy Borough Lycoming County	NCRO
PAG034885	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cameron International Corp 3340 Watson Highway Du Bois, PA 15801-5458	DuBois City Clearfield County	NCRO
PAG034955	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Centre Concrete Co. 629 E Rolling Ridge Drive Bellefonte, PA 16823-8135	Lock Haven City Clinton County	NCRO
PAG036277	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Advanced Coil Ind P.O. Box 241 175 Plumpton Avenue Washington, PA 15301-0241	Washington City Washington County	SWRO
PAG036345	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Technimark LLC 149 Devereux Drive Latrobe, PA 15650-2662	Latrobe Borough Westmoreland County	SWRO
PAG036428	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Duie Pyle Inc. 650 Westtown Road P.O. Box 564 West Chester, PA 19382-4900	Etna Borough Allegheny County	SWRO
PAG036479	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 2450 Rathmell Road Obetz, OH 43207-4582	Pittsburgh City Allegheny County	SWRO
PAG036482	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Refinery Co. of PA P.O. Box 780 Warren, PA 16365-0780	Springdale Borough Allegheny County	SWRO
PAG036564	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Green Energy Ventures LLC 243 Rubisch Road Ebensburg, PA 15931-4500	Cambria Township Cambria County	SWRO
PAG038377	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kovalchick Corp P.O. Box 279 Indiana, PA 15701-2951	Center Township Indiana County	NWRO
PAG038427	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Clear Lake Lumber Inc. P.O. Box 129 Spartansburg, PA 16434-0129	Spartansburg Borough Crawford County	NWRO
PAG038429	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Duchini Inc. 2550 McKinley Avenue Erie, PA 16503-2322	Erie City 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>
PAG038435	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Air Products & Chemicals Inc. 7201 Hamilton Boulevard Allentown, PA 18195-9642	Butler Township Butler County	NWRO
PAG038447	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	TC Recycling LLC P.O. Box 1080 Mars, PA 16046-1080	Adams Township Butler County	NWRO
PAG134823	PAG-13 NPDES General Permit for MS4s	Waived	Orange Township 2028 State Route 487 Orangeville, PA 17859-9029	Orange Township Columbia County	NCRO
PAG134826	PAG-13 NPDES General Permit for MS4s	Waived	Orangeville Borough P.O. Box 176 Orangeville, PA 17859-0176	Orangeville Borough Columbia County	NCRO
PAG136191	PAG-13 NPDES General Permit for MS4s	Waived	Elizabeth Borough 121 S 2nd Avenue Elizabeth, PA 15037-1549	Elizabeth Borough Allegheny County	SWRO
PAG156101	PAG-15 NPDES General Permit for Pesticides	Issued	Indian Lake Borough 1301 Causeway Drive Central City, PA 15926-7621	Indian Lake Borough Somerset County	SWRO
PAG156102	PAG-15 NPDES General Permit for Pesticides	Issued	Stony Creek Valley Development Corp P.O. Box 237 Shanksville, PA 15560-0237	Stonycreek Township Somerset County	SWRO
2220403	Pump Stations Individual WQM Permit	Issued	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033-2453	Londonderry Township Dauphin County	SCRO
PA0245097	Single Residence STP Individual NPDES Permit	Issued	Confino Adam 2390 N Shaffer Road Pottstown, PA 19464	Lower Pottsgrove Township Montgomery County	SERO
PA0293971	Single Residence STP Individual NPDES Permit	Issued	Harbaugh George 564 Maple Lane East Freedom, PA 16637-8822	Greenfield Township Blair County	SCRO
PA0294187	Single Residence STP Individual NPDES Permit	Issued	Vreeland Justin K 7024 Willow Brook Road Alexandria, PA 16611-2014	Logan Township Huntingdon County	SCRO
0723405	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Harbaugh George 564 Maple Lane East Freedom, PA 16637-8822	Greenfield Township Blair County	SCRO
3123402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Vreeland Justin K 7024 Willow Brook Road Alexandria, PA 16611-2014	Logan Township Huntingdon County	SCRO
WQG02212302	WQG-02 WQM General Permit	Issued	Middlesex Township Municipal Authority 350 N Middlesex Road Suite 2 Carlisle, PA 17013-8422	Middlesex Township Cumberland County	SCRO
WQG02462308	WQG-02 WQM General Permit	Issued	Skippack Township Montgomery County 4089 Heckler Road P.O. Box 164 Skippack, PA 19474-0064	Skippack Township Montgomery County	SERO

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>
PAC390072	PAG-02 General Permit	Issued	WBP Associates David Sell 1348 Hamilton Blvd. Allentown, PA 18102	Washington Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@pa.gov
PAC390061	PAG-02 General Permit	Issued	Lehigh Northampton Airport Authority Thomas Stoudt 3311 Airport Rd. Allentown, PA 18109	Hanover Township Lehigh County	Lehigh County Conservation District Lehigh County AG Center Suite 105 4184 Dorney Park Road Allentown, PA 18104-5728 610-391-9583 RA-EPWW-NERO@ pa.gov
PAC510287	PAG-02 General Permit	Issued	Carpenter Chateaus, LLC P.O. Box 390 Doylestown, PA 18901	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC510320	PAG-02 General Permit	Issued	14515 McNulty Road, LLC 469 Bloomfield Avenue 3rd Floor Montclair, NJ 07042-3406	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC460832	PAG-02 General Permit	Denied	Malvern Anderson Road, LP 1030 W Germantown Pike East Norriton, PA 19406-1998	Upper Merion Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC680055	PAG-02 General Permit	Issued	PA DEP 286 Industrial Park Road Ebensburg, PA 15931	Madison Township Clarion County	DEP 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800
PAC460789	PAG-02 General Permit	Issued	Lederach Village Homes LP 1715 W Township Line Road Blue Bell, PA 19422-3583	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460762	PAG-02 General Permit	Issued	Bozzuto Development Company 480 E Swedesford Road Suite 110 Wayne, PA 19087-1834	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC460795	PAG-02 General Permit	Issued	John Capponi 12701 Verda Drive Philadelphia, PA 19154-2045	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460835	PAG-02 General Permit	Issued	1852 Hatboro LLC 28 Thorndal Circle 3rd Floor Darien, CT 06820-5429	Upper Moreland Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460841	PAG-02 General Permit	Issued	Alexander Street LLC 55 Beattie Place Suite 10 Greenville, SC 29601-2165	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC150154	PAG-02 General Permit	Issued	Parke Mansion Partners, LP 1380 Wilmington Pike West Chester, PA 19382	Parkesburg Borough Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150129	PAG-02 General Permit	Issued	Valley Square Development Associates, LP 321 South Valley Road Devon, PA 19333	Valley Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150355	PAG-02 General Permit	Issued	Rouse Chamberlin, LTD 500 Exton Commons Exton, PA 19341	New Garden Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150354	PAG-02 General Permit	Issued	Kendal—Crosslands Communities P.O. Box 100 Kennett Square, PA 19348	Kennett Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, KS 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC540029	PAG-02 General Permit	Issued	Coal Creek Commerce Center, LLC Attn: Ames Moore 200 Mahantongo Street Pottsville, PA 17901	Saint Clair Borough Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC090656	PAG-02 General Permit	Issued	MBID of Delaware, LLC c/o Ingerman Development Company, LLC 5 Powell Lane Collingswood, NJ 08108-1945	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090632	PAG-02 General Permit	Issued	DiaVac Property Company, LLC 191 Presidential Blvd Unit 715 Bala Cynwyd, PA 19004-1231	Plumstead Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090635	PAG-02 General Permit	Issued	Explorer & Jems, LLC 2130 St. Albertis Circle Huntington Valley, PA 19047	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC130009 Renewal	PAG-02 General Permit	Issued	MW Real Estate, LLC c/o Marshall G. Walters 500 Longacre Drive Cherryville, PA 18035	Lower Towamensing Township Carbon County	Carbon County Conservation District 5664 Interchange Road Lehighon, PA 18235 610-377-4894 RA-EPWW-NERO@ pa.gov
PAC090500	PAG-02 General Permit	Issued	Olympus Pines LLC 6211 Highland Drive # 3051 Salt Lake City, UT 84121	Richmond Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC460840	PAG-02 General Permit	Denied	Yerkes Station Association, LLC 261 Old York Road Suite 110 Jenkintown, PA 19046	Upper Providence Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC100310	PAG-02 General Permit	Issued	PTV 1300 LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	Middlesex Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC200101	PAG-02 General Permit	Issued	City of Meadville 894 Diamond Park Meadville, PA 16335	City of Meadville Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC610029	PAG-02 General Permit	Issued	Clintonville Borough Sewer and Water Authority 109 Franklin Street Clintonville, PA 16372	Clintonville Borough Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC250066	PAG-02 General Permit	Issued	Joel Muzyka P.O. Box 8857 Erie, PA 16505	Fairview Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250057	PAG-02 General Permit	Issued	Edinboro 6N LLC 2540 Village Common Drive Erie, PA 16506	Washington Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC020856	PAG-02 General Permit	Issued	Michael Joseph 348 Harris Hill Road Williamsville, NY 14221	Monroeville Borough Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC020363	PAG-02 General Permit	Issued	John Spagnolo 1712 Mt. Nebo Road Sewickley, PA 15143	Monroeville Borough Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC020317	PAG-02 General Permit	Issued	Dan Fitzpatrick 234 Reichold Road Wexford, PA 15090	Wilkins Township Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC021039	PAG-02 General Permit	Issued	Chad Basinger 632 Hunt Valley Circle New Kensington, PA 15068	Harmar Township Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC020344	PAG-02 General Permit	Issued	Imperial Land Corporation— Brian Temple 1009 Beaver Grade Road Suite 210 Moon Township, PA 15108	Findlay Township Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC020357	PAG-02 General Permit	Issued	Stephen and Patricia Milani 309 Bellwalt Drive Canonsburg, PA 15236	Peters Township Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC020998	PAG-02 General Permit	Issued	City of Pittsburgh Department of Public Works Andrea Ketzal 414 Grant Street Room 301 Pittsburgh, PA 15219	City of Pittsburgh Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020975	PAG-02 General Permit	Issued	Seel Fields Development, LLC Mark Brantner 1839 Babcock Boulevard Pittsburgh, PA 15209	Shaler Township Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC021025	PAG-02 General Permit	Issued	Greenleaf Street Eric Setzler City County Building 414 Grant Street Third Floor Room 301 Pittsburgh, PA 15219	City of Pittsburgh Allegheny County	ACCD 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 SWRO
PAC430101	PAG-02 General Permit	Issued	Wheatland Tube Company P.O. Box 608 One Council Avenue Wheatland, PA 16161	Wheatland Borough Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC240032	PAG-02 General Permit	Issued	Mersen USA 1032 Trout Run Road Saint Marys, PA 15857	City of Saint Marys Elk County	Elk County Conservation District 850 Washington Street St Marys, PA 15857 814-776-5373
PAC360886A-1	PAG-02 General Permit	Issued	Elizabethtown Area School District 600 East High Street Elizabethtown, PA 17022	Elizabethtown Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17402 717-299-5361
PAC070115	PAG-02 General Permit	Issued	Logan Township Supervisors 100 Chief Logan Circle Altoona, PA 16602	Logan Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877
PAC210098	PAG-02 General Permit	Issued	Holy Apostles Orthodox Church 7111 Wertzville Road Mechanicsburg, PA 17050	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC090178	PAG-02 General Permit	Issued	The County of Bucks 55 East Court Street Doylestown, PA 18901-4318	Doylestown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC210330	PAG-02 General Permit	Issued	Woda Cooper Companies, Inc. 6911 Kenleigh Road Baltimore, MD 21212	Southampton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC090147	PAG-02 General Permit	Issued	Mack and Roedel Custom Builders, LLC 5910 Stovers Mill Road Doylestown, PA 18902-9205	Doylestown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090195	PAG-02 General Permit	Issued	Joseph McKernan Jr. 4642 New Hope Road Furlong, PA 18925-1312	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC500059	PAG-02 General Permit	Issued	Edward Fogel 60A Springers Lane New Cumberland, PA 17070	Carroll Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717-582-8988
PAC500058	PAG-02 General Permit	Issued	Carl Davis 1 West Elm Street Suite 400 Conshohocken, PA 19428	Howe Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717-582-8988
PAC220387	PAG-02 General Permit	Issued	Vanguard Realty Group, Inc. 6041 Running Pump Lane Harrisburg, PA 17112	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220368A-1	PAG-02 General Permit	Issued	Millersburg Area School District 799 Center Street Millersburg, PA 17061	Millersburg Borough Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220412	PAG-02 General Permit	Issued	Green Acres Investment, LLC 1559 Boiling Springs Road Boiling Springs, PA 17061	Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220101	PAG-02 General Permit	Issued	The McNaughton Company 4400 Deer Path Road Harrisburg, PA 17111	Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220134	PAG-02 General Permit	Issued	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220410	PAG-02 General Permit	Issued	JVI Group, Inc. 8210 Carlisle Pike York Springs, PA 17372	Steelton Borough Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220402	PAG-02 General Permit	Issued	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033	Derry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220037	PAG-02 General Permit	Issued	H-T Partners, LLC P.O. Box 277 Landisville, PA 17538	Millersburg Borough Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC630292	PAG-02 General Permit	Issued	Ampliform, LLC 40 E. Montgomery Avenue 4th Floor A Ardmore, PA 19002	Smith Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC650371	PAG-02 General Permit	Issued	Latrobe Senior Center, LLC 126 Timber Springs Lane Indiana, PA 15701	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650383	PAG-02 General Permit	Issued	Latrobe County Clubs 346 Arnold Palmer Drive Latrobe, PA 15650	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650381	PAG-02 General Permit	Issued	Franklin Regional School District 3200 School Road Murrysville, PA 15668	Murrysville Borough Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650379	PAG-02 General Permit	Issued	Penn Township Sewage Authority 1032 Nike Site Road Irwin, PA 15642	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650382	PAG-02 General Permit	Issued	Western PA Operating Engineers 457 Christopher Road New Alexandria, PA 15626	Salem Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650370	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	North Huntingdon Township Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650380	PAG-02 General Permit	Issued	Saint Vincent College 300 Fraser Purchase Road Latrobe, PA 15650	Unity Township Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 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>
PAC650377	PAG-02 General Permit	Issued	Justin Fagert 37 Westview Drive Greensburg, PA 15601	Youngwood Borough Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC630278	PAG-02 General Permit	Issued	Benjamin and Iryna Katsevich 3656 Buffalo Creek Road Avella, PA 15312	Canonsburg Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC630228A-1	PAG-02 General Permit	Issued	Scarmazzi Belmont, LLC 127 Adams Avenue Canonsburg, PA 15317	Chartiers Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC460814	PAG-02 General Permit	Issued	Academy High School 1345 Sunneytown Pike Gwynedd Valley, PA 19437-0010	Lower Gwynedd Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Contact: Nadera Bellows, Clerical Assistant, 570-327-0551.

Construction Permit No. 1423509MA, Minor Amendment, Public Water Supply.

Applicant	PA American Water— Philipsburg
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Rush Township
County	Centre County
Consulting Engineer	Scott Armbrust 852 Wesley Drive Mechanicsburg, PA 17055
Application Received	October 10, 2023
Permit Issued	November 22, 2023

Description This permit authorizes the permittee to clean and rehabilitate Trout Run Well 1 in Rush Township, Centre County.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, Clerical Assistant, 570-830-3048.

Operation Permit No. 3130037, Public Water Supply.

Applicant **Blue Ridge Real Estate Company, Mid Lakes Development**

Address P.O. Box
707 Blakeslee, PA 18610

Municipality Kidder Township

County **Carbon County**

Consulting Engineer Mr. Harry E. Garman, P.E.
Senior Project Manager
Barry Isett & Associates, Inc.
85 South Route 100
Allentown, PA 18106

Application Received October 5, 2023

Permit Issued November 27, 2023

Description Consolidated Operations Permit of all Public Water Supply (PWS) facilities for the Blue Ridge Real Estate Company under PWS ID No. 3130037 and Operations Permit for PWS facilities constructed under Permit No. 1307503 issued March 12, 2008 and Permit No. 1321502 issued May 26, 2022 (Mid Lakes Development Water System Modifications—Well No. 2, pH/alkalinity adjustment via caustic soda with the addition of a blended phosphate per the Lead and Copper Rule (LCR); 4-Log Treatment of Viruses—Well No. 2). Permit also identifies the manually operated, emergency interconnection (flow in both directions) with Blue Heron Water System (PWS ID. No. 3130040).

Operation Permit No. 3540049, Public Water Supply.

Applicant **Plum Creek Municipal Authority**

Address 686 Berne Drive
Auburn, PA 17922

Municipality Wayne Township

County **Schuylkill County**

Consulting Engineer Ms. Jamie Troxell Lorah, P.E.
Manager
Process and Design Engineering
Spotts, Stevens and McCoy
1047 North Park Drive
Reading, PA 19610

Application Received November 7, 2023

Permit Issued November 16, 2023

Description Operations permit for the Well No. 8 submersible pump replacement project with no increase in capacity.

Operation Permit No. 2450063, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Address 852 Wesley Drive
Mechanicsburg, PA 17055

Municipality Coolbaugh Township

County **Monroe County**

Consulting Engineer Mr. Richard Dudek, P.E.
Engineering Project Manager
Pennsylvania American Water Company
2699 Stafford Avenue
Scranton, PA 18505

Application Received October 31, 2023

Permit Issued November 27, 2023

Description Operations permit for the reactivation of two (2) existing, permitted wells (PWS Permit No. 4595502 issued June 3, 1996), known as the Robert David Drive Well 4E and the Rob Roy Well Drive Well 2E, well pump replacements with no increase in capacity, the construction of necessary chemical treatment facilities for disinfection, pH adjustment, and iron and manganese treatment at a new combined treatment building located at the Well No. 4E site.

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

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

Construction Permit No. 2123512, Major Amendment, Public Water Supply.

Applicant **Wesley Hospitality, LLC**

Address 650 Gettysburg Road
Mechanicsburg, PA 17055

Municipality Upper Allen Township

County **Cumberland County**

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

Application Received September 14, 2023

Permit Issued November 17, 2023

Description This construction permit is the first for this system and it approves 4-log inactivation of viruses, upgrades to the chlorine injection unit, relocation of the water softener, the addition of two contact tanks, and applicable appurtenances.

NCWSA Construction Permit No. 3060408, Public Water Supply.

Applicant **Centerfork Management LLC**
 Address 689 Tilden Road
 Mohrsville, PA 19541
 Municipality Centerport Borough
 County **Berks County**
 Consulting Engineer Gregg Kinsey, Property Owner
 689 Tilden Road
 Mohrsville, PA 19541
 Application Received August 3, 2023
 Permit Issued November 22, 2023
 Description This NCWSA approves the construction of a transient noncommunity system that includes a new well (Well No. 2), a pressure tank, a sediment filter, and ultraviolet (UV) disinfection.

Operation Permit No. 6723513 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Drive
 Mechanicsburg, PA 17055
 Municipality Fairview Township
 County **York County**
 Consulting Engineer Eric J. Keller, P.E.
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Application Received November 22, 2023
 Permit Issued November 22, 2023
 Description This permit approves operation of the newly installed end suction centrifugal fluoride pumps. This work was proposed and approved in construction permit 6723513 MA and issued on August 2, 2023.

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

Contact: Nadera Bellows, Clerical Assistant, 570-327-0551.

Operation Permit 4923504MA. PWSID No. **4490024**. **Aqua PA Roaring Creek**, 204 E Sunbury Street, Shamokin, PA 17872, Conyngham Township, **Columbia County**. Application received: November 15, 2023. Permit Issued: November 16, 2023. This permit authorizes the permittee to operate the two Goulds 11CHC-11 stage, 200 HP, 1800 RPM Vertical Solid Shaft High Service Pumps in Conyngham Township, Columbia County.

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

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

Construction Permit 3623520. PWSID No. **7360490**. **Chester County Solid Waste Authority**, 7224 Division Highway, Narvon, PA 17555, Caernarvon Township,

Lancaster County. Application received: May 25, 2023. Permit Issued: November 22, 2023. Modification of media in the acid neutralization tank, and the installation of a cartridge filter, reverse osmosis unit for arsenic removal, new finished water storage tank, and booster pump at Lanchester Landfill.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Construction/Operation Permit 3823504 MA. PWSID No. **7380025**. **Myerstown Water Authority**, 601 Stracks Dam Road, Myerstown, PA 17067, Jackson Township, **Lebanon County**. Application received: October 18, 2023. Permit Issued: November 14, 2023. Replacement of the clarifier and filter effluent turbidimeters and the raw water pH sensor.

Operation Permit 7220038. PWSID No. **7220038**. **Borough of Middletown**, 60 West Emaus Street, Middletown, PA 17057, Middletown Borough, **Dauphin County**. Application received: November 20, 2023. Permit Issued: November 22, 2023. Repainting/rehabilitation of the Turnpike finished water storage tank.

Construction/Operation Permit 2223512 MA. PWSID No. **7220034**. **Millersburg Area Authority**, 311 South Market Street, Millersburg, PA 17061, Upper Paxton Township, **Dauphin County**. Application received: November 8, 2023. Permit Issued: November 22, 2023. Installation of an effluent water meter at the system's Reservoir Heights storage tank.

Contact: Wade Cope, P.E., Environmental Engineer.

Operation Permit 4070298. PWSID No. **4070298**. **Curryville Water Authority**, P.O. Box 11, Curryville, PA 16631, North Woodbury Township, **Blair County**. Application received: November 16, 2023. Permit Issued: November 20, 2023. Comprehensive operation permit for removal of all existing treatment and physical disconnection of the Kegarise Well (Well No. 2) from the Curryville Water Authority's distribution system. The system is supplied by the one-way, permanent interconnection with Martinsburg Municipal Authority (PWS ID No. 4070030) with no additional treatment.

Emergency Permit 2123514 E. PWSID No. **7210029**. **Pennsylvania-American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Lower Allen Township, **Cumberland County**. Application received: November 21, 2023. Permit Issued: November 21, 2023. Emergency operation permit for a temporary interconnection with Veolia Water Pennsylvania, Inc (Public Water Supply No. 7210028).

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

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

Emergency Permit 0423517-E. PWSID No. **5040376**. **Pennsylvania Department of Conservation and Natural Resources Bureau of State Parks**, 400 Market Street, Harrisburg, PA 17105, Hanover Township, **Beaver County**. Application received: November 20, 2023. Permit Issued: November 22, 2023. Temporary use of bulk water as a source for the Raccoon Creek State Park using the Municipal Authority of Westmoreland County's bulk loading station and Wagner Trucking's carrier vehicles.

Emergency Permit 0223532-E. PWSID No. **5020039**. **Pennsylvania American Water Company**, 852 Wesley

Drive, Mechanicsburg, PA 17055, Baldwin Borough, **Allegheny County**. Application received: November 16, 2023. Permit Issued: November 22, 2023. Installation of a 12,500-gallon temporary bulk storage tank for ferric chloride at the Hays Mine Water Treatment Plant.

Operation Permit 0217553-A1. PWSID No. **5020045**. **Municipal Authority of the Township of Robinson**, 4200 Campbells Run Road, Pittsburgh, PA 15205, Robinson Township, **Allegheny County**. Application received: October 2, 2023. Permit Issued: November 22, 2023. Operation of Filters Nos. 1–5 (new underdrains, filter media, rate controller valves, control consoles, flow meters, turbidimeters, and air scouring system), clarifier turbidimeters, sodium hypochlorite disinfection system, and the use of DelPAC 2020 at the Groveton Water Filtration Plant (Filtration Plant Improvement Project).

Operation Permit 0223534MA. PWSID No. **5020039**. **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Baldwin Borough, **Allegheny County**. Application received: November 15, 2023. Permit Issued: November 22, 2023. Rehabilitated Filters No. 27–30 (Phase I Improvements) at the Hays Mine Water Treatment Plant.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Carrie Wilt, Sewage Planning Specialist, 717-705-4755.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Conewago Township	490 Copenhaffer Road York, PA 17404	York County

Plan Description:

Conewago Township Act 537 Special Study, D1-67910-ACT. Due to development pressures and changes in land use since the last approved plan, upgrades to the Township’s collection and conveyance system and wastewater treatment plant are proposed. The wastewater treatment plant upgrades will occur in two phases, with the first increasing treatment capabilities to 0.98 MGD. The second phase will result in increasing final treatment to 1.5 MGD. The conveyance system changes include reassessing and increasing pump station capacity of the Canal Road Pump Station and connecting the Smith Road Pump station discharge to the Canal Road Force Main. Any permits must be obtained in the name of the Conewago Township Sewer Authority.

Contact: Noah D. Niedererr, Sewage Planning Specialist, 717-705-4768.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Montgomery Township	11364 Fort Loudon Road Mercersburg, PA 17236	Franklin County

Plan Description:

Jeremy Foltz SFTF, A3-28915-443-3s. Approval of a revision to the official plan of Montgomery Township, **Franklin County**. The project is known as the Jeremy Foltz Small Flow Treatment Facility (SFTF) proposal. The plan provides a SFTF to repair a malfunctioning

on-lot sewage disposal system serving a single-family dwelling on 6.251 acres with total estimated sewage flows of 500 gpd. There will be a proposed stream discharge to an unnamed tributary to Licking Creek. The proposed development is located at 15040 Shimpstown Road in Montgomery Township, Franklin County. The Department’s review of the plan revision has not identified any significant impacts resulting from the proposal. The DEP Code Number for the planning module is A3-28915-443-3s and the APS ID is 1092778. Any permits must be obtained in the name of the property owner.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Lurgan Township	8650 McClays Mill Road Newburg, PA 17240	Franklin County

Plan Description:

Scott Timmons SFTF, A3-28911-130-3s. Approval of a revision to the official plan of Lurgan Township, **Franklin County**. The project is known as the Scott Timmons Small Flow Treatment Facility (SFTF) proposal. The plan provides a SFTF to serve a proposed single-family dwelling on 1.00 acre with total estimated sewage flows of 400 gpd. There will be a proposed discharge to an unnamed tributary to Conodoguinet Creek. The proposed development is located along Lurgan Road, approximately 0.3 mile south of the intersection with South Road in Lurgan Township, Franklin County. The Department’s review of the plan revision has not identified any significant impacts resulting from the proposal. The DEP Code Number for the planning module is A3-28911-130-3s and the APS ID is 1098427. Any permits must be obtained in the name of the property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101–6026.908).

Provisions of Sections 301–308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301–6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act’s remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report de-

scribes 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.

Clearfield Rite Aid, Primary Facility ID # **856836**, 307 E Market Street, Clearfield, PA 16830, Clearfield Borough, **Clearfield County**. ECS Mid-Atlantic LLC, 100 E Kensing Drive, Suite 300, Cranberry Township, PA 16066, on behalf of Joseph Dellantonio, 124 Rock Hill Rd, Centre Hall, PA 16828, submitted a Final Report concerning remediation of groundwater contaminated with polycyclic aromatic hydrocarbons (PAHs). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Beechwood B09-I Well Pad, Primary Facility ID # **859301**, Johns Run Road, Emporium, PA 15834, Shippen Township, **Cameron County**. ARM Group LLC, 2548 Park Center Boulevard, 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 produced water. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

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

Contact: Eric Supey, Environmental Program Manager.

Rylee Well Pad, Primary Facility ID # **863851**, 1724 Fannon Muldoon Road, Meshoppen, PA 18630, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Bethlehem Commerce Center—Lots 53 & 54, Primary Facility ID # **621613**, 1355 and 1405 Easton Road, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. HDR, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015, submitted a Final Report concerning remediation of soil contaminated with manganese from historic site operations. The Final Report is intended to document remediation of the site to meet the site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Keystone Trade Center—Lot 26, Primary Facility ID # **847825**, South Port Road, Fairless Hills, PA 19067, Falls Township, **Bucks County**. Jeffrey A. Smith, PG, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Andy Mace, NP Falls Township Industrial, LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil contaminated with iron, lead and vanadium. The Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

Maisch Residence, Primary Facility ID # **779817**, 322 South 3rd Street, Darby, PA 19023, Colwyn Borough, **Delaware County**. David DiPascale, TTI Environmental, Inc., 1253 North Church Street, Moorestown, NJ 08057, on behalf of Laura Maisch 322 South 3rd Street, Darby, PA 19023, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

723 Wheatland Street, Primary Facility ID # **832853**, 723 Wheatland Street, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. Stephan Huxta, PG, Huxta Environmental, 461 Merlin Road, Phoenixville, PA 19460, on behalf of Jon Herzog, CSW Wheatland Associates, Inc., 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034, submitted a Remedial Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with arsenic and PCE. The Remedial Investigation Report/Final Report is intended to document remediation of the site to meet the site-specific standards.

2944 Samuel Drive, Primary Facility ID # **840740**, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wissahickon Avenue, Philadelphia, PA 19129, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with PAHs and inorganics. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

816 Pennsylvania Avenue, Primary Facility ID # **863224**, 816 Pennsylvania Avenue, Croydon, PA 19021, Bristol Township, **Bucks County**. Alexander Ostrobrod, Union Technical Group, P.O. Box 8123, Pelham, NY 10803, on behalf of Greg Banks, Patriot Fuel Oil, LLC, P.O. Box 7128, Pennel, PA 19047, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Ursinus College, Primary Facility ID # **648108**, 601 Main Street, Collegeville, PA 19426, Collegeville Borough, **Montgomery County**. Gilbert J. Marshall, PG, Marshall Geoscience, Inc., 170 1st Avenue, Collegeville, PA 19426, on behalf of Robert C. Clothier, Esq., Ursinus College, P.O. Box 1000, Collegeville, PA 19426, submitted a Final Report concerning remediation of groundwater contami-

nated with No. 2 and No. 6 fuel oil. The Final Report is intended to document remediation of the site to meet the site-specific standards.

West Market Street, Primary Facility ID # **864057**, 330 West Market Street, 342 West Market Street and 7 South Wayne Street, West Chester, PA 19382, West Chester Borough, **Chester County**. Stephen Huxta, PG, Huxta Environmental, 461 Merlin Road, Phoenixville, PA 19460, on behalf of Gary Toll, 7 South Wayne LLC, 120 Pennsylvania Avenue, Malvern, PA 19355, submitted a Final Report concerning remediation of groundwater contaminated with VOCs. The Final Report is intended to document remediation of the site to meet the background standards.

Phoenix French Creek Manor, Primary Facility ID # **804650**, 121 Bridge Street, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. Paul White, ARM Brickhouse, 515 South Franklin Street, West Chester, PA 19382, on behalf of Greg Lingo, Rockwell French Creek TH LP, 126 East State Street, Media, PA 19063, submitted a Final Report concerning remediation of soil contaminated with SVOCs, VOCs and metals. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

Exeter 6400 Bristol, LLC, Primary Facility ID # **814727**, 6400 Bristol Pike, Levittown, PA 19057, Bristol Township, **Bucks County**. Michael D. Lattanze, Penn Environmental and Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Jason A. Honesty, Exeter 6400 Bristol, LLC, 100 Matsonford Road, Wayne, PA 19087, submitted a Risk Assessment/Final Report concerning remediation of soil and groundwater contaminated with inorganics. The Risk Assessment/Final Report is intended to document remediation of the site to meet the site-specific standards.

139 Buckwalter Road, Primary Facility ID # **839710**, 139 Buckwalter Road, Phoenixville, PA 19460, Charlestown Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Gilbertsville Golf Club, Primary Facility ID # **859858**, 2944 Lutheran Road, Gilbertsville, PA 19525, New Hanover Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Building 3, Quakertown, PA 18951, on behalf of Joan Hodges, Artisan Construction Group, LLC, P.O. Box 689, Devon, PA 19333, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil contaminated with pesticides. The Risk Assessment/Remedial Investigation/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

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

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 demonstrated attainment of the Statewide health standards. Approved: October 30, 2023.

Seneca Resources Company LLC Covington Pad R, Primary Facility ID # **869822**, 4446 Cherry Flats Road, Covington, PA 16917, Covington Township, **Tioga County**. ARM Group LLC, 2548 Park Center Boulevard,

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 produced water. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: November 28, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

J.A. Reinhardt & Company, Primary Facility ID # **621465**, 3319 Spruce Cabin Road, Mountainhome, PA 18342, Barrett Township, **Monroe County**. Environmental Resources Management, 75 Valley Stream Parkway, Suite 200, Malvern, PA 19355, on behalf of J.A. Reinhardt & Company, Inc., 4 Farm Springs Road, Farmington, CT 06032, submitted a Final Report concerning remediation of soil and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds, and metals. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 20, 2023.

Monocacy General Contracting, Primary Facility ID # **861553**, 831-833 Main Street, Bethlehem, PA 18018, City of Bethlehem, **Northampton County**. J. Rockwood and Associates, P.O. Box 1006, Easton, PA 18044, on behalf of Monocacy General Contracting, LLC, P.O. Box 4334, Bethlehem, PA 18018, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 20, 2023.

102-198 East Washington Street, Primary Facility ID # **862316**, 102-198 East Washington Street, Nanticoke, PA 18634, City of Nanticoke, **Luzerne County**. Barry Isett & Associates, 1170 Highway 315, Suite 3, Wilkes-Barre, PA 18702, on behalf of General Municipal Authority of Nanticoke, 15 East Ridge Street, Nanticoke, PA 18634, submitted a Final Report concerning remediation of soil contaminated with arsenic from historic industrial operations as a silk mill. The Report demonstrated attainment of the Statewide health standards. Approved: November 21, 2023.

Buckeye Pipeline Bear Creek Release, Primary Facility ID # **858814**, Bald Mountain Road, Bear Creek Township, PA 18702, Bear Creek Township, **Luzerne County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Buckeye Partners, LP, 6161 Hamilton Boulevard, Allentown, PA 18106, submitted a Final Report concerning remediation of soil contaminated with gasoline. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 28, 2023.

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

Contact: Bill, 814-332-6671.

ARG Refinery, Primary Facility ID # **651768**, 77 North Kendall Avenue, Bradford, PA 16701, City of Bradford, **McKean County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of American Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethyl Benzene, Xylenes (total),

Cumene (Isopropylbenzene), Methyl tert-Butyl Ether, Naphthalene, Trimethyl benzene, 1,2,4-(Trimethyl benzene, 1,3,4-), Trimethyl benzene, 1,3,5-, Fluorene, Phenanthrene, Anthracene, Pyrene, Chrysene, Benzo(a)-anthracene, Benzo(b)fluoranthene, Benzo(a)pyrene, Benzo(g,h,i)perylene and groundwater: Benzene, Toluene, Ethyl Benzene, Xylenes (total), Cumene (Isopropylbenzene), Methyl tert-Butyl Ether, Naphthalene, Trimethyl benzene, 1,2,4-(Trimethyl benzene, 1,3,4-), Trimethyl benzene, 1,3,5-, Phenanthrene, Pyrene, Chrysene for EU-1W. The Report did not demonstrate attainment of the site-specific standards. Disapproved: November 22, 2023.

Contact: Jordan 814-332-6172.

Kenneth D Mumau 1, Primary Facility ID # **869916**, 1599 Hartman Road, Marion Center, PA 15759, Grant Township, **Indiana County**. Woodard & Curran, 400 Penn Center Blvd, Suite 600, Pittsburgh, PA 15235, on behalf of Penneco Oil Company, Inc., 6608 Route 22, Delmont, PA 15626, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron, Chloride, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, and Zinc. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: November 21, 2023.

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

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

Former Nello Tire, Primary Facility ID # **623382**, 2700 East Market Street, York, PA 17402, Springettsbury Township, **York County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of 2700 East York LLC, 1801 SW 3rd Avenue, Suite 500, Miami, FL 33129, submitted a Final Report concerning remediation of soil and groundwater contaminated with unleaded gasoline constituents & waste oil parameters. The Final Report demonstrated attainment of the site-specific standards. Approved: November 28, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

1700 North 49th Street, Primary Facility ID # **816258**, 1700 North 49th Street, Philadelphia, PA 19131, City of Philadelphia, **Philadelphia County**. Meredith Braverman, Arcadis U.S., Inc., 1007 North Orange Street, Suite 411 and 412, Wilmington, DE 19801, on behalf of Michael Grygo, Comcast of Philadelphia, LLC, 3800 Horizon Boulevard, 3rd Floor, Suite 300, Trevos, PA 19053, submitted a Final Report concerning remediation of soil and groundwater contaminated with MTBE, 1,2,4-trimethylbenzene (1,2,4-TMB), and 1,3,5-TMB. The Report did not demonstrate attainment of the Statewide health and site-specific standards. Issued a technical deficiency letter: November 15, 2023.

Maisch Residence, Primary Facility ID # **779817**, 322 South 3rd Street, Darby, PA 19023, Colwyn Borough, **Delaware County**. David DiPascale, TTI Environmental, Inc., 1253 North Church Street, Moorestown, NJ 08057, on behalf of Laura Maisch, 322 South 3rd Street, Darby, PA 19023, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Report did not demonstrate attainment

of the Statewide health standards. Issued a technical deficiency letter: November 20, 2023.

157 East Seven Stars Road, Primary Facility ID # **863096**, 157 East Seven Stars Road, Phoenixville, PA 19460, East Pikeland Township, **Chester County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Harlan Gustafson, Estate of Joyce E. Steimer, Deceased, 114 Airport Road, Pottstown, PA 19464, submitted a Final Report concerning remediation of soil contaminated with naphthalene. The Final Report did not demonstrate attainment of the Statewide health standards. Disapproved: November 17, 2023.

3145 Grays Ferry Avenue, Primary Facility ID # **848264**, 3145 Grays Ferry Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Heather Shoemaker, GZA GeoEnvironmental, Inc., 1515 Market Street, Suite 945, Philadelphia, PA 19102, on behalf of Elias Slaiby, 3145 Grays Ferry LLC, 19191 South Vermont Avenue, Suite 680, Torrance, CA 90502, submitted a Final Report concerning remediation of groundwater contaminated with benzene, ethylbenzene, 2-methylnaphthalene, naphthalene, arsenic, and lead. The Final Report demonstrated attainment of the site-specific standards. Approved: November 16, 2023.

River Station, Primary Facility ID # **617044**, 304, 307 & 500 Brandywine Avenue, Downingtown, PA 19335, Downingtown Borough/East Caln Township, **Chester County**. Carl J. Bones, PE, Marathon Engineering and Environmental Services, Inc., 3 Killdeer Court, Suite 300, Swedesboro, NJ 08085, on behalf of Neal Fisher, PE, Brandywine Station, LP, 707 Eagleview Boulevard, Exton, PA 19341, submitted a Final Report concerning remediation of soil contaminated with other organics. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: November 20, 2023.

River Station, Primary Facility ID # **617044**, 304, 307 and 500 Brandywine Avenue, Downingtown, PA 19335, Downingtown Borough/East Caln Township. Carl J. Bones, PE, Marathon Engineering and Environmental Services, Inc., 3 Killdeer Court, Suite 300, Swedesboro, PA 08085, on behalf of Neal Fisher, PE, Brandywine Station, LP, 707 Eagleview Boulevard, Exton, PA 19341, submitted a Final Report concerning remediation of soil contaminated with other organics. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: November 20, 2023.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Eco-Energy Philadelphia Ethanol Terminal, Primary Facility ID # **777122**, 4099 South Columbus Boulevard, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, PG, GEI Consultants, Inc., 1800 Horizon Way, Suite 200, Mt. Laurel, NJ 08054, on behalf of Chadwick Conn, Eco-Energy Distribution Philadelphia, LLC, 6100 Tower Circle, Suite 500, Franklin, TN 37067, submitted a Remediation Investigation Report/Final Report concerning remediation of soil contaminated with benzo(a)pyrene, arsenic, thallium and benzene. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: November 9, 2023.

22507 Almond Street, Primary Facility ID # **856571**, 2507 Almond Street, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lawrence McKnight, Riverwards Group, 3030 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with lead. The Report demonstrated attainment of the site-specific standards. Approved: November 16, 2023.

Embreeville Property, Primary Facility ID # **863154**, 1818 West Strasburg Road, West Chester, PA 19382, West Bradford Township, **Chester County**. David B. Farrington, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of William B. Myles, Embreeville Redevelopment, LP, 929 South High Street, West Chester, PA 19382, submitted a Final Report concerning remediation of soil contaminated with Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)-fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, and Indeno(1,2,3-cd)pyrene. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 17, 2023.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Transporter License Issued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Enviro Care, Inc., 505 North Main Street, North Salt Lake, UT 84054-2101. **License No. PA-AH0940**. Application received: July 5, 2023. Effective November 14, 2023.

BBU Services of WV, LLC, 986 Kentuck Road, Kenna, WV 25248. **License No. PA-AH 0945**. Application received: September 18, 2023. Effective November 22, 2023.

Atlantic Recovery Services, Inc., 8 Tree Lane, Levittown, PA 19054. **License No. PA-AH 0947**. Application received: October 2, 2023. Effective November 22, 2023.

Wolfe's Excavating DBA Wolfe's Environmental Transport, 70 Columbia Blvd, Clarksburg, WV 26301. **License No. PA-AH 0948**. Application received: October 4, 2023. Effective November 22, 2023.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGR038SW014. ABC-EZ Moving Company, Inc., 1000 Island Avenue, McKees Rocks, PA 15136, Stowe Township, **Allegheny County**. A Determination of Applicability for operation under Residual Waste General Permit No. WMGR038 for the processing, reuse, and beneficial use of whole waste tires, tire chips, baled tires, tire shreds, and crumb rubber at the ABC-EZ C&D Transfer Facility for use as recapped tires, fuel in boilers or other combustion units, a component in civil engineering projects, and as an ingredient in or as a commercial product was issued by the Southwest Regional Office. Application received: February 3, 2023. Permit issued: November 16, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, 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.

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.

300558. LBR Acquisition Company, LLC, 2105 West 1800 North, Far West, UT 84404, Greene Township, Grant District, **Beaver County and Hancock County**, West Virginia. Permit modification/reissuance to transfer ownership and operation of the Little Blue Run Residual Waste Disposal Impoundment from Energy Harbor Generation, LLC to LBR Acquisition Company, LLC. Application received: October 7, 2022. Permit modification issued: November 2, 2023.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), 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.

300370. Lawrenceville Acquisition Company, LLC, 2105 West 1800 North, Far West, UT 84404, Monongahela Township, **Greene County**. Permit modification/reissuance to transfer ownership and operation of the Hatfield's Ferry CCB Landfill from Energy Harbor Generation LLC to Lawrenceville Acquisition Company, LLC. Application received: October 6, 2022. Permit modification issued: November 28, 2023.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), 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.

AG5-08-00015C: Blackhill Energy, LLC, 4600 J Barry Court, Suite 320, Canonsburg, PA 15317, Springfield Township, **Bradford County**. The Department authorized to construct one (1) 1,775 bhp Caterpillar model G3606 four-stroke lean-burn natural-gas fired compressor engine equipped with an oxidation catalyst pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Young Compressor Station. Upon commencement of operation of the proposed source, authorization for its continued operation will be granted under general Operating Permit authorization AG5-08-00015A, which expires on May 21, 2028. Application received: November 7, 2023. Authorized: November 20, 2023. Expiration date: May 21, 2028.

GP3-59-251A: DeCristo, Inc., 9070 Route 414, Canton, PA 17724, Chatham and Westfield Townships, **Tioga County**. The Department authorized the relocation and operation of portable nonmetallic mineral processing plants authorized under GP3-08-312G to the Dunbar Quarry pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3). Application received: November 3, 2023. Authorized: November 17, 2023. Expiration date: November 16, 2028.

GP9-59-251A: DeCristo, Inc., 9070 Route 414, Canton, PA 17724, Chatham and Westfield Townships, **Tioga County**. The Department authorized the relocation and operation of diesel-fired engines to power portable nonmetallic mineral processing plants authorized under GP3-08-312G to the Dunbar Quarry pursuant to the General Plan Approval and General Operating Permit for Diesel or No. 2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9). Application received: November 3, 2023. Authorized: November 17, 2023. Expiration date: November 16, 2028.

GP3-59-247B: DeCristo, Inc., 9070 Route 414, Canton, PA 17724, Middlebury Township, **Tioga County**. The Department authorized the relocation and operation of portable nonmetallic mineral processing plants authorized under GP3-08-312G to the Tioga Quarry pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3). Application received: November 3, 2023. Authorized: November 20, 2023. Expiration date: November 19, 2028.

GP9-59-247B: DeCristo, Inc., 9070 Route 414, Canton, PA 17724, Middlebury Township, **Tioga County**. The Department authorized the relocation and operation of diesel-fired engines to power portable nonmetallic mineral processing plants authorized under GP3-08-312G to the Tioga Quarry pursuant to the General Plan Approval and General Operating Permit for Diesel or No. 2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9). Applica-

tion received: November 3, 2023. Authorized: November 20, 2023. Expiration date: November 19, 2028.

GP3-59-245C: DeCristo, Inc., 9070 Route 414, Canton, PA 17724, Sullivan Township, **Tioga County**. The Department authorized the relocation and operation of portable nonmetallic mineral processing plants authorized under GP3-08-312G to the Armenia Mountain Quarry pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3). Application received: November 3, 2023. Authorized: November 20, 2023. Expiration date: November 19, 2028.

GP9-59-245C: DeCristo, Inc., 9070 Route 414, Canton, PA 17724, Sullivan Township, **Tioga County**. The Department authorized the relocation and operation of diesel-fired engines to power portable nonmetallic mineral processing plants authorized under GP3-08-312G to the Armenia Mountain Quarry pursuant to the General Plan Approval and General Operating Permit for Diesel or No. 2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9). Application received: November 3, 2023. Authorized: November 20, 2023. Expiration date: November 19, 2028.

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

Contact: Mark Wejkszner, Air Quality Program Manager, 570-826-2528.

GP4-40-006: McCarthy Tire Service, 340 Kidder Street, Wilkes-Barre, PA 18702, City of Wilkes-Barre, **Luzerne County**. Issued on November 15, 2023 for the installation and operation of one (1) natural gas-fired burn off oven at the facility located in the City of Wilkes-Barre, Luzerne County. Application received: October 25, 2023. Issued: November 15, 2023.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

GP9-58-087: L&D Stoneworks, Inc., 2774 Stone Street, Montrose, PA 18801, Forest Lake Township, **Susquehanna County**. GP9-58-087: L&D Stoneworks, Inc. (2774 Stone Street, Montrose, PA 18801) on November 21, 2023, for the installation and operation of diesel fired I C Engines at the facility located in Forest Lake Township, Susquehanna County. Application received: October 5, 2023. Issued: November 21, 2023.

GP3-58-087: L&D Stoneworks, Inc., 2774 Stone Street, Montrose, PA 18801, Forest Lake Township, **Susquehanna County**. GP3-58-087: L&D Stoneworks, Inc. (2774 Stone Street, Montrose, PA 18801) on November 21, 2023, for the construction and operation of a portable stone crushing plant at the facility located in Forest Lake Township, Susquehanna County. Application received: October 5, 2023. Issued: November 21, 2023.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

GP3-09-0173/GP9-09-0130: Heidelberg Materials NE Ottsville Quarry, 262 Quarry Rd, Ottsville, PA 18942-9693, Nockamixon Township, **Bucks County**. This action is for General Plan Approval and General Operating Permit, GP-3-09-0173, for the installation and operation of three crushers, and seven conveyors and General

Plan Approval and General Operating Permit, GP9-09-0130, for Diesel or No. 2 Fuel-fired Internal Combustion Engines. They are issued to Richard E Pierson Const Co to operate at Ottsville Quarry. The sources under GP3-09-0173 are controlled by a water spray dust suppression system. Application received: October 18, 2023. Issued: November 22, 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.

18-00036A: Croda, Inc., 8 Croda Way, Mill Hall, PA 17751, Lamar Township, **Clinton County**. For the construction of a specialty chemical manufacturing operation as well as associated storage vessels, diesel-fired emergency generator and ancillary equipment at the proposed Lamar Manufacturing Site. Application received: May 8, 2023. Issued: November 20, 2023.

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

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

ER-28-05004A: Grove US, LLC, P.O. Box 21, 1565 Buchanan Trail East, Shady Grove, PA 17256, Antrim Township, **Franklin County**. For an Air Quality Emission Reduction Credit (ERC) approval of the emission reduction of 19.85 tpy VOC from 1.) the permanent shutdown of Source 106 (Paint Booth Cylinder Bldg (Bldg 26)), and 2.) the material replacement/voluntary emission curtailment of Source ID 199 (Cleanup Solvents), at the crane manufacturing facility. Application received: July 25, 2017. Issued: November 22, 2023.

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

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-63-01062: Sollon Funeral & Cremation Service, Ltd., 30 E College Street, Canonsburg, PA 15317, Canonsburg Borough, **Washington County**. Effective November 21, 2023, the Department issued a Plan Approval Extension for the temporary operation of one (1) Matthews Environmental Solutions IE43-PPI natural gas-fired human crematory incinerator at the Sollon Funeral Home in the Borough of Canonsburg, Washington County. The new expiration date is November May 28, 2024. Application received: November 21, 2023. Issued: November 22, 2023.

PA-65-00990F: Tenaska, 14302 FNB Pkwy, Omaha, NE 68154, South Huntingdon Township, **Westmoreland County**. To increase the allowable duration of combustion turbine startups, change the annual operating limitation metric for the duct burners from hours-based to an equivalent fuel volume basis, and to exclude combustion tuning from normal operation. This plan approval also includes New Source Performance Standards (NSPS) Subpart TTTT. The expiration date is February 28, 2024, to coincide with PA-65-00990C. Application received: April 13, 2022. Issued: November 28, 2023.

26-00590A: Carlisle Construction Materials, LLC, 2000 Summit View Drive, Smithfield, PA 15478, Georges Township, **Fayette County**. On November 27, 2023, the Department of Environmental Protection authorized Air Quality Plan Approval 26-00590A to allow the construction, installation, and temporary operation of a replacement foamboard manufacturing line, a replacement regenerative thermal oxidizer, and continued authorization to operate air contamination sources and air cleaning devices at a foamboard insulation manufacturing facility located in Georges Township, Fayette County. Application received: February 22, 2023. Accepted: August 15, 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.

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-63-01004C: Tech Met, Inc., 79 East 8th Street, Donora, PA 15033, Donora Borough, **Washington County**. Plan Approval extension effective November 28, 2023, to extend the period of temporary operation of the Donora Plant located in Donora Borough, Washington County. The new expiration date is May 28, 2024. Application received: November 22, 2023. Issued: November 22, 2023.

PA-65-00839C: Texas Eastern Transmission LP, 915 N Eldridge Pkwy, Suite 1100, Houston, TX 77079, Salem Township, **Westmoreland County**. Effective November 28, 2023, to extend the period of temporary operation of Source ID 118 and 119 at the Delmont Compressor Station. The new expiration date is May 28, 2024. Application received: November 1, 2023. Issued: November 16, 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.

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.

18-00005: Eastern Gas Transmission & Storage, Inc., 6603 West Broad Street, Richmond, VA 23230, Leidy Township, **Clinton County**. The Department issued a renewal Title V Operating Permit for the Finnefrock Compressor Station facility located in Leidy Township, Clinton County. The permit includes all applicable conditions in the Title V Operating Permit, the requirements of applicable Federal standards of 40 CFR Parts 60 and 63, and the requirements of all applicable regulations of Chapters 121—145 including revisions pertaining to the Department's RACT III regulation pursuant to 25 Pa. Code Sections 129.111—129.115. Application received: July 5, 2023. Renewal issued: November 21, 2023. New expiration date: November 20, 2028.

49-00020: Truck Accessories Group, 3560 Housels Run Road, Milton, PA 17847, Milton Borough, **Northumberland County**. The Department issued a renewal Title V Operating Permit on November 22, 2023, for the TAG East manufacturing facility. The permit includes all applicable conditions in the Title V Operating Permit, the requirements of applicable Federal standards of 40 CFR Parts 60 and 63, and the requirements of all applicable regulations of Chapters 121—145 including revisions pertaining to the Department's RACT III regulation pursuant to 25 Pa. Code Sections 129.111—129.115. Application received: October 13, 2022. Renewal issued: November 22, 2023. New expiration date: November 21, 2028.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

17-00020: Glenn O. Hawbaker, Inc., 711 East College Avenue, Pleasant Gap, PA 16823-5210, Sandy Township, **Clearfield County**. Issued a State Only Synthetic Minor Operating Permit renewal for continued operation of their DuBois Plant 4 facility. All applicable Federal and State regulatory requirements are incorporated into the renewal permit, including the testing, monitoring, recordkeeping, reporting, and work practices as necessary to verify compliance. Application received: May 22, 2023. Issued: November 20, 2023.

59-00007: Blossburg Power, LLC, 250 Power Plant Dr., P.O. Box F, Shawville, PA 16873, Covington Township, **Tioga County**. Was issued a renewal State Only (Synthetic Minor) Operating Permit for their Blossburg Generation Station. The State Only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: May 10, 2023. Issued: November 20, 2023.

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

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

35-00036: Polychemie Inc., 10 Stauffer Industrial Park, Taylor, PA 18517-9601, Taylor Borough, **Lackawanna County**. The Department has issued an initial State-Only (Natural Minor) Operating Permit for the Taylor Borough plant. Sources at this facility include their chemical product manufacturing unit and a diesel fired emergency generator. Control device(s) at this facility include a scrubber. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: September 28, 2023. Accepted: September 28, 2023. Issued: November 22, 2023.

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

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

43-00309: Diest Industries, LLC, 3547 Perry Highway, Hadley, PA 16130, Sandy Creek Township, **Mercer County**. The Department issued the renewal of the State-Only Operating Permit for Diest Industries' Bucks Fabricating facility which manufactures roll-off containers and detachable truck bodies. Permitted sources at the facility include 3 paint booths, 2 dryers, a heated air-makeup unit, welding and plasma cutting operations, paint mixing and spray gun cleaning operations, steam cleaning machine, 2 emergency generators, and miscellaneous heating emissions. Potential Emissions for the site are less than the Title V thresholds. Actual emissions for the calendar year 2022 were as follows: 0.1146 ton CO; 0.1364 ton NO_x; 0.0104 ton particulate matter; 0.0080 ton SO_x; and 19.5533 tons VOC. The facility is a Synthetic Minor. The Operating Permit includes a site-level VOC emission restriction of 49.32 tpy. Conditions from previous permits and plan approvals are incorporated into the renewal. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: August 22, 2022. Renewed: November 21, 2023.

10-00331: Butler Memorial Hospital, 1 Hospital Way, Butler, PA 16001, City of Butler, **Butler County**. The Department issued the renewal of the State Only Operating Permit for Butler Memorial for the healthcare institution. The facility is a Natural Minor. The primary sources at the facility include six (6) gas-fired boilers and six (6) diesel-fueled emergency generators. The potential emissions from the facility are less than the following: 45.9, 20.6, 4.24, 1.52, and 1.49 TPY for NO_x, CO, VOC, SO₂, and PM₁₀, respectively. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The facility is subject to Federal (40 CFR 60 Subpart IIII and 40 CFR 63 Subpart ZZZZ) and State Regulations. Application received: October 5, 2022. Issued: November 20, 2023.

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

Contact: Maryjoy Ulatowski, Chief, Source Registration 215-685-9476.

OP22-000025: The Washington, 510-530 Walnut Street, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal Natural Minor Operating Permit (NMOP) for The Washington, a facility that engages in commercial building rentals. The facility's major emission sources include the following:

- four (4) 6.0 Million British Thermal Units per hour (MMBtu/hr) boilers firing natural gas (NG) and No. 2 oil;
- one (1) 1.5 MMBtu/hr boiler firing NG;
- one (1) 288 Horse Power (HP) emergency generator firing NG;
- one (1) 354 HP emergency generator firing NG; and
- one (1) 196 HP fire pump firing diesel.

Application received: June 6, 2023. Issued: October 27, 2023.

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

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-03150: Wetzel Funeral Home & Crematory, Inc., Hanover Facility, 549 Carlisle Street, Hanover, PA 17331, Hanover Borough, **York County**. For the operation of a human crematory, currently operating under plan approval 67-03150A, at the facility. Application received: June 30, 2023. Issued: November 21, 2023.

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

22-03044: Mack Trucks, Inc., 2800 Commerce Drive, Middletown, PA 17057-3294, Lower Swatara Township, **Dauphin County**. For the engine manufacturing facility. The State-Only permit was renewed. Application received: March 30, 2023. Issued: November 20, 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.

46-00186: Williams Bergey Koffel Funeral Home, P.O. Box 667, Skippack, PA 19474-0667, Franconia Township, **Montgomery County**. This action is for the renewal of a Natural Minor Operating Permit for the continued operation of Source ID 101—Crematory. Application received: February 27, 2023. Issued: November 20, 2023.

09-00154: BCWSA Old Dublin Pike Pump Station, 1275 Almshouse Rd, Warrington, PA 18976-1209, Doylestown Township, **Bucks County**. This action is for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit for their sewage treatment plant located at Pine Run Road and Old Dublin Pike. Application received: July 25, 2023. Issued: November 21, 2023.

23-00027: 3M Company, 50 Milton Dr, Aston, PA 19014-2217, Chester Township, **Delaware County**. This action is for the renewal of State Only Operating for the continued operation of a specialty dry compounder of purchased resin materials. Application received: June 5, 2023. Issued: November 21, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

05-05021: Creative Pultrusions, Inc., 214 Industrial Lane, Alum Bank, PA 15521-8304, West Saint Clair Township, **Bedford County**. For the existing fiberglass pultrusion operation at the Alum Bank plant. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 05-05021D. Application received: November 8, 2023. Issued: November 22, 2023.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant.

Mining Permit No. 32051301. NPDES PA0215228. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Buffington and Brush Valley Townships, **Indiana County**. To revise the permit and related NPDES permit, affecting 576.7 underground acres and 576.7 subsidence control plan acres. Application received: March 8, 2022. Accepted: May 6, 2022. Issued: November 17, 2023.

Mining Permit No. 56111601. NPDES No. PA0236098. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Shade Township, **Somerset County**. To revise the permit and related NPDES permit for site plan revisions, permit acreage swap, erosion and sedimentation control plan revisions, additional pond (P-1A) reclamation plan revisions, and GP-4 application and variance request for stream outfall structure. Application received: December 27, 2021. Accepted: March 18, 2022. Issued: October 12, 2023.

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

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

Mining Permit No. 51210113. NPDES No. PA0229115. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Jenner Township, **Somerset County**. Permit renewal for the continued operation and restoration of a bituminous surface and auger mine affecting 228.7 acres. Receiving streams: unnamed tributaries to Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use: CWF. Application received: May 24, 2023. Issued: November 20, 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. 16190102. Reichard Contracting, Inc., 212 Olean Trail, New Bethlehem, PA 16242, Porter Township, **Clarion County**. Revision to an existing bituminous surface mine to change the post-mining land use from Forestland and Forestland now Abandoned Surface Mine to Unmanaged Natural Habitat. Application received: October 10, 2023. Issued: November 27, 2023.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant.

Mining Permit No. GFCC No. 17-23-03. GP-104 NPDES No. PAM223003. Excelsior Contracting, Inc., 2339 Red Fox Lane, Tyrone, PA 16686, Woodward Township, **Clearfield County**. The Moshannon District Mining Office has awarded a GFCC Government Financed Construction Contract to Excelsior Contracting, Inc., on a 20.7-acre site. Coverage under the GP-104 General NPDES permit for erosion & sedimentation control within the reclamation project area was also approved. The project includes total reclamation of 9.0 acres of abandoned mine lands. Receiving stream(s): Gose Run classified for the following use(s): CWF. Notice of Intent for GP-104 coverage received March 27, 2023. Contract awarded and approval of GP-104 coverage issued: November 21, 2023. Application received: March 27, 2023. Issued: November 21, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54020201. Locust Valley Coal Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, Mahanoy Township, **Schuylkill County**. Renewal of an anthracite coal refuse reprocessing and preparation plant operation affecting 46.6 acres. Receiving stream: UNT to Mill Creek. Application received: December 22, 2022. Renewal issued: November 28, 2023.

Mining Permit No. GP12-54020201. Locust Valley Coal Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, Mahanoy Township, **Schuylkill County**. Renewal of general Operating Permit to operate a coal preparation plant. Application received: December 27, 2022. Coverage issued: November 28, 2023.

Mining Permit No. 54020201. GP104 Permit No. PAM117054. Locust Valley Coal Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, Mahanoy Township, **Schuylkill County**. Modification of coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP-GP-104). Receiving stream: UNT to Mill Creek. Application received: December 27, 2022. Coverage issued: November 28, 2023.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54020201. Locust Valley Coal Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, Mahanoy Township, **Schuylkill County**. Correction of an anthracite coal refuse reprocessing and preparation plant operation to reduce the permit acres from 69.0 acres to 46.6 acres. Receiving stream: UNT to Mill Creek. Application received: November 28, 2023. Correction issued: November 28, 2023.

Noncoal Permits

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

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

Mining Permit No. 4274SM11. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Taylor Township, **Blair County**. Permit revision to lower the quarry floor to an elevation of 600' MSL in the Phase 1, 2A and 2B areas affecting 467.1 acres. Receiving streams: Plum Creek to Halter Creek to Frankstown Branch Juniata River classified for the following uses: WWF. Application received: January 30, 2023. Issued: November 20, 2023.

Mining Permit No. 4275SM14T. NPDES No. PA0124532. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Warriors Mark and Snyder Townships, **Huntingdon and Blair Counties**. Renewal of NPDES permit. Receiving stream: Little Juniata classified for the following use: CWF & MF. Application received: May 9, 2023. Issued: November 21, 2023.

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

Contact: *RA-EPPottsvilleDMO@pa.gov.*

Mining Permit No. 8073SM2. NPDES Permit No. PA0595519. Glasgow, Inc., P.O. 1089, Glenside, PA 19038, Upper Merion Township, **Montgomery County**. Renew NPDES Permit on a quarry operation. Receiving stream: UNT to Schuylkill River. Application received: February 21, 2023. Renewal issued: November 28, 2023.

Contact: *RA-EPPottsvilleDMO@pa.gov.*

Mining Permit No. 7775SM6. PA0225690. Glen-Gery Corp., 1166 Spring Street, Wyomissing, PA 19610, Perry Township, **Berks County**. Renew NPDES Permit on a quarry operation. Receiving stream: Schuylkill River. Application received: October 11, 2022. Renewal issued: November 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

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.*

Permit No. 56234101. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141-2018, Conemaugh Township, **Somerset County**. Blasting Activity Permit for Davidsville Landfill. Application received: November 15, 2023. Permit issued: November 17, 2023.

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

Contact: *RA-EPPottsvilleDMO@pa.gov.*

Permit No. 38234117. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Millcreek Township, **Lebanon County**. Construction blasting for Sheridan

Supply Shop. Application received: November 15, 2023. Permit issued: November 21, 2023. Expiration date: December 30, 2023.

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. Section 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.

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

Contact: *717-705-4802.*

E2803223-001. Matrix Shippensburg Lots 11 and 12, LLC, Forsgate Drive, CN4000, Cranbury, NJ 08512, Southampton Township, **Franklin County**. U.S. Army Corps of Engineers Baltimore District.

To 1) place and maintain 0.16 acre (6,947 square feet) of fill in an emergent wetland; 2) place and maintain 0.11 acre (4,878 square feet) of fill in an emergent wetland; 3) place and maintain 0.62 acre (27,009 square feet) of fill in an emergent and open water wetland; 4) place and maintain 0.04 acre (1,691 square feet) of fill in an emergent wetland; 5) place and maintain 0.12 acre (5,301 square feet) of fill in an emergent exceptional value wetland; 6) construct and maintain stormwater management basins resulting in 7,069 square feet of permanent floodway impacts and 32,974 square feet of temporary floodway impact; all for the purpose of constructing a 900,000 square foot warehouse and distribution facility, with 249 trailer and 329 car parking spaces, at the United Business Park in Southampton Township, Franklin County (40.018246, -77.518631). The permit applicant is proposing to construct and maintain three depressional wetlands in the floodway of Furnace Run (CWF, MF) totaling 2.838 acres to repair, rehabilitate, and restore impacts to regulated waters of the Commonwealth. To meet compensatory mitigation requirements for impacts to regulated waters of the Commonwealth, the permit applicant is proposing to participate in the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program. Application received: March 21, 2023. Issued: November 21, 2023.

E3603223-007. City of Lancaster, 120 North Duke Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

To install and maintain a 6-foot 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 Pkwy (Latitude: 40.0511°N; Longitude: 76.2724°W) in the City of Lancaster, Lancaster County. No wetland impact is associated with this project. Application received: August 9, 2023. Issued: November 27, 2023.

ENVIRONMENTAL ASSESSMENTS

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

Contact: 717-705-4802.

EA2103222-002. Camp Hill Borough, 2145 Walnut Street, Camp Hill, PA 17011, Camp Hill Borough, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. To stabilize and maintain 2,000 linear feet of an Unnamed Tributary to Conodoguinet Creek (WWF, MF), locally known as Blackberry Spring Creek, by way of 2,000 linear feet of streambank grading, 1,158 linear feet of coir log toe placement, 104 linear feet of rock cribbing placement, 492 linear feet of live fascine placement, a triple-log drop structure, a double-rock cross vane structure, a log revetment structure, three (3) log drop structures, two (2) rock J-Hook structures, a log cross vane structure, six (6) root wad structures, and 706 linear feet of branch packing stabilization. The project also proposes to 1) pave an existing gravel path, replace an existing 48" RCP culvert with a uniformly depressed 54" Corrugated Plastic culvert, and replace an existing outfall structure under General Permit 11 coverage, and 2) a kayak launch area under General Permit 2 coverage. The project is located at the Christian L Siebert Memorial Park in Camp Hill Borough, Cumberland County (Latitude: 40.2527; Longitude: -76.9291). Application received: December 30, 2022. Issued: November 27, 2023.

DAM SAFETY

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Josh Fair, Water Program Specialist, 717-772-5988.

D13-050EA. Bilal Baqai, Pennsylvania Department of Conservation and Natural Resources, Facility Design and Construction, 2808 Three Mile Run Road, Perkasio, PA 18944, Kidder Township, **Carbon County**. The Department has reviewed and approved the plan to remove the Mud Run Tributary Dam to eliminate a threat to public safety and to restore approximately 200 feet of stream channel to a free-flowing condition. Approximately 100 cubic yards of sediment will be removed from the area immediately upstream of the dam. The project is located across Hawk Run (HQ—CWF, MF) (Hickory Run, PA Quadrangle, Latitude: 41.0121, Longitude: -75.6331). The plan was approved on 11/27/2023. Application received: September 20, 2023. Approved: November 27, 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.

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 **ESG076323015-00**

Applicant Name **EQM GATHERING OPCO LLC—Wolverine Valve Yard**

Contact Person Shyama Santiapillai, Environmental Coordinator, (412) 627-7770
ssantiapillai@equitransmidstream.com

Address 0.3 mile south of Bentleyville Road, Main Street, and Grange Road intersection

City, State, Zip Bentleyville, PA 15314
 Township(s) Fallowfield Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) 001. Lat
 40.12287, Long -79.99291, UNT to Pigeon Creek, Ch 93
 Class WWF

Application received: November 22, 2023
 Issued: November 22, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

DEP has received the following plans and reports.

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

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

Osceola Big M 0148 5697, Storage Tank Facility ID # **59-70659**, 7732 State Route 49, Osceola, PA 16942, Osceola Township, **Tioga County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco Retail Facility, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with diesel fuel. The report is intended to document the remedial actions for meeting residential Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

Pen Fern Oil, Storage Tank Facility ID # **40-14483**, 696 Main Road, Dallas, PA 18612, Dallas Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pen Fern Oil Company, 1 Sterling Avenue, Dallas, PA 18612, 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.

DD Garage, Storage Tank Facility ID # **59-11706**, Main Street, Knoxville, PA 16928, Knoxville Borough, **Tioga County**. Juniata Geosciences, LLC, 6872 Willow Brook Road, Alexandria, PA 16611, on behalf of Root Oil Company, Inc., P.O. Box 18, Wellsboro, PA 16901, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with

unleaded gasoline and kerosene. The report residential and nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on October 30, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

1618 Route 61 S Schuylkill Haven PA0053, Storage Tank Facility ID # **54-27209**, 1618 Route 61 South, Schuylkill Haven, PA 17972, Schuylkill Haven Borough, **Schuylkill County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of CrossAmerica Partners, 645 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health standards and was approved by DEP on November 21, 2023.

Former Safford Oil, Storage Tank Facility ID # **40-50253**, 837 West Eighth Street, West Wyoming, PA 18644, West Wyoming Borough, **Luzerne County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Archie Eshelman, Jr., 837 W 8th St, West Wyoming, PA 18644, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum. The report demonstrated attainment of the Statewide health standards and was approved by DEP on November 22, 2023.

Former Boyer's Service Station, Storage Tank Facility ID # **35-50045**, Route 435 and 502, Covington Township, PA 18444, **Lackawanna County**. Liberty Environmental, 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of Doug Boyer, 6025 Marella Drive, Sarasota, FL 34243, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was not acceptable to meet the site-specific standards and was disapproved by DEP on November 22, 2023.

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

Contact: Jordan, 814-332-6172.

Radhe Oil, Storage Tank Facility ID # **03-29674**, 222 Buffalo Street, Freeport, PA 16229, Freeport Borough, **Armstrong County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15237, 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 standards and was approved by DEP on November 21, 2023.

Contact: Lee, 814-332-6127.

Circle K 4212, Storage Tank Facility ID # **25-91527**, 830 Route 19 North, Waterford, PA 16441, Waterford Borough, **Erie County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry, PA 16066, on behalf of Circle K Stores, Inc., 1100 Situs Court, Suite 100, Raleigh, NC 27606, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on November 21, 2023.

Kwik Fill M 207, Storage Tank Facility ID # **25-23780**, 12201 East Main Street, North East, PA 16428, North Fayette Township, **Erie County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of United Refining Company, 11 Bradley Street, Warren, PA 16365, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Diesel. The plan residential was not acceptable to meet the Statewide health standards and was disapproved by DEP on November 21, 2023.

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

Contact: Cherie Campbell, Soil Scientist, 717-705-4705.

White Run Regional Municipality Authority, Storage Tank Facility ID # **01-60289**, 2001 Baltimore Pike, Gettysburg, PA 17325-7015, Mount Joy Township, **Adams County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of White Run Regional Municipal Authority, 2001 Baltimore Pike, Gettysburg, PA 17325-7015, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on November 28, 2023.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 15-00017.

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.

Application Type: RACT III Major Facility Operating Permit Modification, Significant

Application Number: 15-00017

Name: Transcontinental Gas Pipeline, LLC

Address: 60 Bacton Hill Road

City: Frazer

Zip: 19355

Municipality: East Whiteland Township

County: Chester

Received: December 21, 2022

Description:

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection (Department, DEP) has made a preliminary determination to approve an RACT III Alternate Proposal for Transcontinental Gas Pipeline's Frazer facility. The RACT III Alternate Proposal, if approved by the Department, will be issued as a significant modification to the facility's Title V operating permit 15-00017.

The RACT III Alternate Proposal incorporates restrictions for the control of emissions of Nitrogen Oxides (NO_x). These restrictions are intended to address the

Commonwealth’s RACT obligations under section 184 of the Clean Air Act for the 1997, 2008 and 2015 8-hour ozone National Ambient Air Quality Standards. The RACT III Alternate Proposal does not adopt any new regulations. If approved by the Department, this RACT III Alternate Proposal will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth’s State Imple-

mentation Plan (SIP). Requirements that are not part of the RACT III Alternate Proposal will be excluded from the SIP revision submittal.

The following is a summary of the RACT III alternate compliance plan requirements for this facility that are proposed to be submitted to the EPA as a revision to the Commonwealth’s SIP:

<i>Source Description</i>	<i>Alternate RACT III Proposal</i>	<i>TVOP 15-00017 Condition Number</i>
Engine 742	Operate no more than 4,387 hours per year based on a 12-month rolling sum and NO _x emissions less than or equal to 3.00 grams/bhp-hr.	Section E, Condition # 002
	Monitoring	Section E, Condition # 007(e)
	Recordkeeping 25 Pa. Code § 129.115(f)	Section E, Conditions # 009(a) and (b)

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Janine Tulloch-Reid, Environmental Engineering Manager, Air Quality Program, at 2 East Main Street, Norristown, PA 19401, or at jtullochre@pa.gov on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on January 9, 2024.

Each written submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT III significant modification application, including the permit number, and a concise statement regarding the RACT III Alternate Proposal restriction that the person is commenting on and the relevancy of the information or objections to issuance of the RACT III significant modification.

A public hearing will be held on January 23, 2024 at 10:00 a.m. at the DEP Southeast Regional Office, 2 E. Main Street, Norristown, PA 19401, to accept oral comments on the proposed RACT III Alternate Proposal and the proposed SIP revision. To register to speak at the hearing, please contact Ms. Stephanie Berardi, Regional Communications Manager, at sberardi@pa.gov or 484.250.5808. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be January 18, 2024.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to Janine Tulloch-Reid at 2 E. Main Street, Norristown, PA 19401, or at jtullochre@pa.gov.

In addition to the RACT III Alternate Proposal for Source ID No. 742, the Title V Operating Permit was revised to include the Presumptive RACT III requirements from 25 Pa. Code § 129.112 for the other compressor engines at this facility.

All pertinent documents are available electronically for public review and copies can be requested by contacting Janine Tulloch-Reid at 484-250-5920 or at jtullochre@pa.gov.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the Draft Permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

[Pa.B. Doc. No. 23-1694. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101–448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551–571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Muve—Chadds Ford Ambulatory Surgical Center, LLC	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 559.2(1)–(5) (relating to director of nursing)
	28 Pa. Code § 559.3(c) (relating to nursing personnel)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1695. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Amendments to Charges for Medical Records

In the notice published at 52 Pa.B. 7471 (December 3, 2022), the Department of Health (Department) published the guidelines and fees that a health care provider or facility may charge in response to a request for production of medical charts or records. This notice updates the notice published on December 3, 2022.

Under 42 Pa.C.S. §§ 6152, 6152.1 and 6155 (relating to subpoena of records; limit on charges; and rights of patients), a health care provider or facility is allowed to charge a fee in response to a request for medical charts or records. The Secretary of Health (Secretary), under 42 Pa.C.S. §§ 6152 and 6152.1, is directed to adjust annually the amounts which may be charged by the health care provider or facility.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2022, through October 31, 2023, the Consumer Price Index was 3.2%.

Accordingly, effective January 1, 2024, the following fees may be charged by a health care facility or health care provider in response to a request for production of medical charts or records:

<i>Amount charged per page for:</i>	<i>Not to Exceed</i>
Pages 1—20	\$1.89
Pages 21—60	\$1.40
Pages 61—end	\$0.49
Microfilm copies	\$2.79
* Search and retrieval of records (cannot be charged if requestor is requesting their own personal health record)	\$28.01
Flat fees (providers may not charge the above search and retrieval fee in addition to a flat fee)	
Production of records to support any claim under Social Security or any Federal or State financial needs-based program;	\$35.50
Supplying records requested by a district attorney	\$28.01

The previously listed fees shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

The previously listed charges, however, are subject to the following exceptions:

(1) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in:

a. The Workers' Compensation Act (77 P.S. §§ 1—1041.4 and 2501—2506) and the regulations promulgated thereunder.

b. 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder.

c. A contract between an insurer and any other party.

(2) The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

(3) The charges for the production of medical records by a health care provider in response to a request made by either an individual who is the subject of the health information or the individual's personal representative is governed by the Health Insurance Portability and Accountability Act (Pub.L. No. 104-191) (HIPAA) and Federal regulations enacted under HIPAA, including 42 U.S.C. § 17935(e) and 45 CFR 164.524 (relating to access of individuals to protect health information), as follows:

a. *Electronic health record.* Under section 13405(e) (42 U.S.C. § 17935(e)), if a health care provider uses or maintains health records in an electronic format with respect to protected health information of an individual, the individual shall have a right to obtain from the health care provider a copy of the information in an electronic format. The individual also has a choice to direct the health care provider to transmit electronically a copy of the health record directly to an entity or person designated by the individual, provided that any choice is clear, conspicuous and specific. A fee that the health care provider may impose for providing the information (or a summary or explanation of the information) in an electronic format shall not be greater than the labor costs in responding to the request. The Department of Health and Human Services has stated that the labor costs may not include costs associated with searching for and retrieving the requested information.

b. *Health record used or maintained in other types of format (for example, paper).* Under 45 CFR 164.524(c)(4), if the individual requests a copy of the protected health information or agrees to a summary or explanation of the information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:

(i) Labor for copying the protected health information requested by the individual, whether in paper or electronic form.

(ii) Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media.

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed.

(iv) Preparing an explanation or summary of the protected health information, if the individual agrees in advance to a summary or explanation and the fees to be imposed, in accordance to 45 CFR 164.524(c)(2)(iii). Similarly, the labor costs under 45 CFR 164.524(c)(4) shall not include the cost attributable to search and retrieval of the records.

Inquiries for further clarification on this exception should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, DC 20201, (866) 627-7748, <https://www.hhs.gov/about/contact-us/index.html>.

Questions or inquiries concerning this notice should be sent to the Department of Health, Office of Legal Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Office of Legal Counsel, 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. 23-1696. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Encompass Health Rehabilitation Hospital of Reading, LLC	28 Pa. Code § 101.4 (relating to definitions)
	28 Pa. Code § 109.7 (relating to nursing staff qualifications)
Good Shepherd Penn Partners Specialty Hospital at Rittenhouse	28 Pa. Code § 149.3 (relating to facilities)
Grand View Health	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Kindred Hospital—Philadelphia	28 Pa. Code § 107.61 (relating to written orders)
Lower Bucks Hospital	28 Pa. Code § 103.31 (relating to the chief executive officer)
Millcreek Community Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Penn Highlands Huntingdon	28 Pa. Code § 51.23 (relating to positron emission tomography)
The Robert Packer Hospital	28 Pa. Code § 103.31
Suburban Community Hospital	28 Pa. Code § 103.31
Troy Community Hospital, Inc.	28 Pa. Code § 103.31
UPMC Hanover	28 Pa. Code § 107.2 (relating to medical staff membership)
Washington Health System Greene	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
The Washington Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition* or the *Guidelines for Design and Construction of Hospitals—2022 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2022 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr^{1,2}</i>
Penn Presbyterian Medical Center	2.2-3.4.3.5(3)(c) building system components	22
UPMC Hanover	2.2-2.2.8.5 multipurpose room	22
	2.2-2.2.10.1 family and visitor lounge	22
	2.2-2.12.4.2(1) and (2) airborne infection isolation room	22
	2.2-2.12.8.5(1) and (2) multipurpose activity room	22
	2.2-2.12.8.9 human milk and formula storage	22
	2.2-2.12.8.13(1)—(3) equipment and supply storage	22
	2.2-2.12.10.2 patient toilet room	22
Wellspan Ephrata Community Hospital	2.1-2.2.5.1(1) and (2) location	22
	2.2-2.5.2.2(2)(a) space requirements	22

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

² 2022 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1697. Filed for public inspection December 8, 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):

ACCELeRate Skilled Nursing and Rehabilitation Exton
501 Thomas Jones Way
Exton, PA 19341
FAC ID # 24600201

Allied Services Transitional Rehabilitation Unit
475 Morgan Highway
Scranton, PA 18501
FAC ID # 01690201

Forest City Nursing and Rehab Center
915 Delaware Street
Forest City, PA 18436
FAC ID # 18436

The Gardens at Scranton
824 Adams Avenue
Scranton, PA 18510
FAC ID # 010102

The Manor at Saint Luke Village
1711 East Broad Street
Hazleton, PA 18201
FAC ID # 195202

Naamans Creek County Manor
1194 Naamans Creek Road
Garnet Valley, PA 19060
FAC ID # 122302

Northampton County Home—Gracedale
2 Gracedale Avenue
Nazareth, PA 18064
FAC ID # 072802

Williamsport South Rehabilitation and Nursing Center
101 Leader Drive
Williamsport, PA 17701
FAC ID # 641502

Yeadon Rehabilitation and Nursing Center
14 Lincoln Avenue
Yeadon, PA 19050
FAC ID # 122002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Fox Subacute at South Philadelphia
 1930 South Broad Street
 5th Floor North
 Philadelphia, PA 19145
 FAC ID # 24460201

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-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1698. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meeting Calendar for 2024

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act, (35 P.S. §§ 872.1—872.40), has set its calendar for 2024. The meeting dates are scheduled as follows: January 23, 2024; April 23, 2024; July 23, 2024; and October 22, 2024.

Meetings will begin at 9:30 a.m. and will be held in-person at the Health and Welfare Building, Room 129, 625 Forster Street, Harrisburg, PA 17120. Individuals may also attend virtually. Meeting agenda and virtual access information will be posted at bit.ly/PAPDMP.

Items to be discussed at the meetings include program status updates and current and upcoming activities.

For additional information, for individuals who wish to attend the meetings or for persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact the Clerical Supervisor of the Drug Surveillance and Misuse Prevention Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (844) 377-7367, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

These meetings are subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1699. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Addition of a Procedure Code to the Medical Assistance Program Fee Schedule for Vaccine Administration

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of a procedure code to the Medical Assistance (MA) Program Fee Schedule for the administration of an influenza vaccine. The effective date and MA fee are indicated as follows.

<i>Procedure Code</i>	<i>National Code Description</i>	<i>Effective Date</i>	<i>MA Fee</i>
90682	Influenza vaccine (RIV4), derived from recombinant DNA, hemagglutinin (HA) protein only, preservative and antibiotic free, for intramuscular use.	1/1/24	\$10

The MA Program Fee Schedule has been updated with the new procedure code to allow for payment of the administration of the influenza vaccine.

The Department will issue an MA Bulletin to enrolled providers to advise them of procedure codes related to billing for vaccine administration, to include Flublok.

Fiscal Impact

There is no fiscal impact associated with the addition of this procedure code.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or to RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1599. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1700. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule Updates for the Administration of SARS-CoV-2 Vaccines

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure codes to the Medical Assistance (MA) Program Fee Schedule for the administration of bivalent doses of the novel coronavirus (SARS-CoV-2) vaccines manufactured by Pfizer, Inc. and Moderna, Inc., effective for dates of service between April 18, 2023, through September 12, 2023.

<i>Vaccine Manufacturer</i>	<i>Procedure Code</i>	<i>Description</i>	<i>MA Fee</i>
Pfizer, Inc.	0121A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, bivalent spike protein, preservative free, 30 mcg/0.3 mL dosage, tris-sucrose formulation; single dose	\$40
	0151A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, bivalent spike protein, preservative free, 10 mcg/0.2 mL dosage, diluent reconstituted, tris-sucrose formulation; single dose	\$40
	0171A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, bivalent spike protein, preservative free, 3 mcg/0.2 mL dosage, diluent reconstituted, tris-sucrose formulation; first dose	\$40
	0172A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, bivalent spike protein, preservative free, 3 mcg/0.2 mL dosage, diluent reconstituted, tris-sucrose formulation; second dose	\$40
Moderna, Inc.	0141A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, bivalent, preservative free, 25 mcg/0.25 mL dosage; first dose	\$40
	0142A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, bivalent, preservative free, 25 mcg/0.25 mL dosage; second dose	\$40

The Department also announces the addition of the following procedure codes to the MA Program Fee Schedule for the administration of bivalent doses of the SARS-CoV-2 vaccines manufactured by Pfizer, Inc. and Moderna, Inc., effective for dates of service on and after September 11, 2023.

<i>Vaccine Manufacturer</i>	<i>Code</i>	<i>Code Description</i>	<i>Rate</i>
Pfizer, Inc.	91318	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, 3 mcg/0.2 mL dosage, diluent reconstituted, tris-sucrose formulation, for intramuscular use	\$40
	91319	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, 10 mcg/0.2 mL dosage, tris-sucrose formulation, for intramuscular use	\$40
	91320	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, preservative free, 3 mcg/0.2 mL dosage, diluent reconstituted, tris-sucrose formulation, for intramuscular use	\$40
Moderna, Inc.	91321	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, 25 mcg/0.25 mL dosage, for intramuscular use	\$40
	91322	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, 50 mcg/0.5 mL dosage, for intramuscular use	\$40

The Department announces the addition of the following procedure code to the MA Program Fee Schedule for the administration of the 2023-2024 Formula of the SARS-CoV-2 vaccine manufactured by Novavax, effective for dates of service on and after October 3, 2023.

<i>Vaccine Manufacturer</i>	<i>Code</i>	<i>Code Description</i>	<i>Rate</i>
Novavax	91304	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, recombinant spike protein nanoparticle, saponin-based adjuvant, preservative free, 5 mcg/0.5 mL dosage, for intramuscular use	\$40

The MA Program Fee Schedule has been updated with the new procedure codes to allow for payment of the administration of the SARS-CoV-2 vaccines manufactured by Novavax, Pfizer, Inc. and Moderna, Inc.

Additionally, the Department end-dated the following procedure codes from the MA Program Fee Schedule, effective April 17, 2023, as the United States Food and Drug Administration (FDA) no longer authorizes the use of the monovalent SARS-CoV-2 vaccines noted as follows in the United States.

<i>End-Dated CPT Codes</i>				
0001A	0002A	0003A	0004A	0011A
0012A	0013A	0021A	0022A	0031A
0034A	0051A	0052A	0053A	0054A
0064A	0071A	0072A	0073A	0074A
0081A	0082A	0083A	0091A	0092A
0093A	0094A	0111A	0112A	0113A

The Department end-dated the following CPT codes from the MA Program Fee Schedule, effective June 1, 2023, as the FDA revoked the EUA for the SARS-CoV-2 vaccine manufactured by Janssen Biotech, Inc.

<i>End-Dated CPT Codes</i>	
0031A	0034A

The Department end-dated the following CPT codes from the MA Program Fee Schedule, effective September 12, 2023, as the FDA no longer authorizes the use of the bivalent SARS-CoV-2 vaccines identified as follows in the United States.

<i>End-Dated CPT Codes</i>				
0121A	0124A	0134A	0141A	0142A
0144A	0151A	0154A	0164A	0171A
0172A	0173A	0174A		

The Department end-dated the following CPT codes from the MA Program Fee Schedule, effective October 3, 2023, as the Centers for Medicare & Medicaid Services closed the code.

<i>End-Dated CPT Codes</i>		
0041A	0042A	0044A

The Department will issue an MA Bulletin to enrolled providers to advise them of the changes to the MA Program Fee Schedule that are previously described.

Fiscal Impact

There is no fiscal impact associated with the addition of these procedure codes.

Public Comment

Interested persons are invited to submit written comments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or at RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1600. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1701. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Pharmacy Prior Authorization

The Department of Human Services (Department) announces it will add Continuous Glucose Monitoring (CGM) products that are designated as preferred on the Statewide Preferred Drug List (PDL) to the Medical Assistance (MA) Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Human Services Code (62 P.S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for CGM products that are designated as preferred on the Statewide PDL. These prior authorization requirements apply to prescriptions dispensed on or after January 8, 2024.

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for CGM products that are designated as preferred on the Statewide PDL.

Fiscal Impact

These changes are estimated to result in minimal savings in the MA Fee-for-Service Program.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1601. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1702. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Rates of Tax on Aviation Gasoline and Jet Fuel for 2024; Oil Company Franchise Tax Rate for 2024; Alternative Fuels Tax Rates for 2024

I. Aviation Gasoline and Jet Fuels

A. Aviation Gasoline Rate for 2024

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2024 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will remain at the rate of 6.0¢ per gallon or fractional part thereof.

B. Jet Fuel Rate for 2024

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2024 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will remain at the rate of 2.0¢ per gallon or fractional part thereof.

C. Calculating the 2024 Aviation Gasoline and Jet Fuel Rates

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985 and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986 and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1 each year subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On October 11, 2023, the most recently available 12-month period was September 2022 to September 2023, as reported in the Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2023, USDL-23-2184, released October 11, 2023, for which the percentage change was a decrease of 7.4%. Accordingly, the aviation gasoline tax rate will remain at the rate of 6.0¢ per gallon; the jet fuel tax rate also will remain at the rate of 2.0¢ per gallon.

II. Oil Company Franchise Tax

A. Transportation Funding Act of 2013

Governor Corbett signed into law the act of November 25, 2013 (P.L. 974, No. 89) which amended 75 Pa.C.S. (relating to Vehicle Code) to both eliminate the inflationary cap on the Oil Company Franchise Tax and the fixed 12¢ per gallon Liquid Fuels and Fuels tax. Specifically, 75 Pa.C.S. § 9002 (relating to definitions) provides for the future removal of the cap and specific wholesale prices for use in the interim years.

B. Calculating the 2024 Oil Company Franchise Tax Rate

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax) and collected under 75 Pa.C.S. Chapter 90 (relating to Liquid Fuels and Fuels Tax Act), 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions), is determined annually by the Department of Revenue (Department) and an-

nounced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning on every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used previously is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes shall be as follows:

- (1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.
- (2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.
- (3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

For the 12-month period ending September 30, 2023, the Department has determined that the average wholesale price for all grades of gasoline and diesel fuel was \$2.84 per gallon, therefore, the average wholesale price for 2024 is set at the floor of \$2.99 per gallon.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 is separated into two portions: mills per gallon not subject to discount (NSTD) and mills per gallon subject to discount (STD). The following table details the underlying calculations:

Composition of Oil Company Franchise Tax (OCFT)

OCFT Per Gallon NSTD

<i>Imposed By:</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
<hr/>		
NSTD Mills per Gallon:	153.5	208.5
Decimal Equivalent:	0.1535	0.2085
Average Wholesale Price:	× \$2.99	× \$2.99
Product:	<hr/> 45.90¢	<hr/> 62.34¢
OCFT per Gallon, NSTD rounded to next highest tenth per 75 Pa.C.S. § 9002:	45.9¢	62.4¢

OCFT Per Gallon STD

<i>Imposed By:</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(5)	39.0	39.0
STD Mills per Gallon:	39.0	39.0
Decimal Equivalent:	0.0390	0.0390
Average Wholesale Price:	× \$2.99	× \$2.99
Product:	11.66¢	11.66¢
OCFT per Gallon, STD rounded to next highest tenth per 75 Pa.C.S. § 9002:	11.7¢	11.7¢
<i>Total OCFT per Gallon, rounded to next highest tenth:</i>		
	<i>Liquid Fuels</i>	<i>Fuels</i>
Total OCFT = NSTD + STD:	57.6¢	74.1¢

C. Imposition of Oil Company Franchise Tax on Liquid Fuels and Fuels

The act of April 17, 1997 (P.L. 6, No. 3) provides that the oil company franchise tax as previously computed is imposed when liquid fuels or fuels are used or sold and delivered in this Commonwealth. Accordingly, the tax imposed upon the use or sale and delivery of 1 gallon of liquid fuels (primarily gasoline) shall decrease to 57.6¢, and the tax imposed upon the use or sale and delivery of 1 gallon of fuels (primarily undyed diesel fuel) shall be 74.1¢.

III. Alternative Fuels Tax Rates for 2024

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTU’s.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the oil company franchise tax currently imposed on 1 gallon of gasoline. The rate of tax on 1 gallon of

gasoline during the period of this notice is 57.6¢ which is equal to the Oil Company Franchise Tax.

The 2024 tax rates for Compressed Natural Gas (CNG) and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline.

The 2024 tax rate for Liquefied Natural Gas (LNG) is calculated by utilizing the unit of measurement referred to as the diesel gallon equivalent (DGE). A DGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of diesel.

GGE and DGE are the most common forms of measurement for these products at the retail level. Measuring alternative fuels by GGE and DGE allows the consumer to make energy and cost comparisons with gasoline and diesel.

The Secretary announces that the 2024 tax rates for alternative fuels are as follows:

<i>Alternative Fuel (Liquids)</i>	<i>Rate of Conversion (BTU/Gal of Alternative Fuel)</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,330	\$0.384
Methanol	57,250	\$0.289
Propane/LPG	84,250	\$0.425
E-85	82,056	\$0.413
M-85	65,838	\$0.332
Electricity	3,414 BTU/kWh	\$.0172/kWh
<i>Alternative Fuels under GGE Formula (Gaseous)</i>	<i>GGE Equivalent to One Gallon of Gasoline</i>	<i>Tax Rate per GGE</i>
CNG	1	\$0.576
Hydrogen	1	\$0.576

Alternative Fuels under DGE Formula (1 DGE = 1.7 gallons)

DGE Equivalent to One Gallon of Diesel

Tax Rate per DGE

LNG	1	\$0.648
		PATRICK BROWNE, <i>Secretary</i>

[Pa.B. Doc. No. 23-1703. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Pedalcycle and Pedestrian Advisory Committee Meeting

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Tuesday, December 12, 2023. The meeting will be held in person at the Commonwealth Keystone Building, 400 North Street, Forest Room, Plaza Level, Harrisburg, PA 17102 at 1 p.m. There will also be a remote Microsoft Teams option and the meeting will be recorded. For more information, contact the Multimodal Deputate, (717) 787-8197, BikePedPA@pa.gov. To call into the meeting, dial (267) 332-8737 and enter 557925595# as the meeting code.

To view the meeting agenda, visit the Department of Transportation’s web site at www.penndot.pa.gov (click on “About PennDOT” at the bottom of the webpage under “About Us,” then select “Commissions & Committees” under “What We Do,” then select “Pedalcycle and Pedestrian Advisory Committee,” then “Learn more about the Pedalcycle and Pedestrian Advisory Committee”).

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1704. Filed for public inspection December 8, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Meeting

The State Transportation Commission (Commission) will hold a meeting on Wednesday, December 13, 2023, from 10 a.m. to 12 p.m. This meeting will be held in the Keystone Building, 8N1, 400 North Street, Harrisburg, PA and by means of Microsoft Teams. The meeting information, including the agenda, can be found at <https://bit.ly/3QIItwI>.

Individuals can join the virtual meeting at https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_NGZkMzA1YTkZDZiNi00N2Q0LWE3ZmEtN2UwNTdjM2YwMTI1%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%25225254d3e7-0194-4a47-999f-79cb74a9b0ae%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=78649a89-57bf-4ae5-ae2f-a40a9f671d59&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true. The meeting ID

is 256 146 143 81. The passcode is saqCe6. The call-in number is (267) 332-8737. The conference ID is 702 207 197#.

To download Microsoft Teams, go to <https://www.microsoft.com/en-us/microsoft-teams/download-app>. To join on the web, go to <https://www.microsoft.com/microsoft-teams/join-a-meeting>.

To find a local number, go to <https://dialin.teams.microsoft.com/783683fb-6d69-4e8b-aa52-814e500ad7b8?id=702207197>. To reset the PIN, go to <https://dialin.teams.microsoft.com/usp/pstnconferencing>.

For more information, contact the Office of the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1705. Filed for public inspection December 8, 2023, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The December 12, 2023, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, January 9, 2024. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board’s webpage, found through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board,” then “2024 Meetings”).

Individuals are encouraged to visit the Board’s webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the January 9, 2024, meeting can be directed to Laura Griffin at laurgriffi@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Interim Acting Chairperson

[Pa.B. Doc. No. 23-1706. Filed for public inspection December 8, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective January 1, 2024:

- Fish and Boat Commission (Basic Boating/Boating and Water Safety Awareness—classroom course)
- United States Coast Guard Auxiliary (Boating Skills and Seamanship—classroom course)
- United States Power Squadrons (America's Boating Course—classroom course)
- Kalkomey Enterprises, LLC (BOATERexam Pennsylvania—Internet course)
- Kalkomey Enterprises, LLC (Boat-Ed/Boat Pennsylvania—Internet course)
- Kalkomey Enterprises, LLC (ilearntoat—Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1707. Filed for public inspection December 8, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Elaine Mickman under the Quality Health Care Accountability and Protection Article; Keystone First; Doc. No. HC23-10-032

Under Article XXI of The Insurance Company Law of 1921, referred to as the Quality Health Care Accountability and Protection Article (40 P.S. §§ 991.2101—991.2194), notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for January 5, 2024, at 10 a.m. Each

party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 3, 2024. 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 December 22, 2023, with the Administrative Hearings Office. 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 January 3, 2024.

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, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1708. Filed for public inspection December 8, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Guidance for Act 146 of 2022 Compliance Filings; Notice 2023-18

On November 3, 2022, former Governor Tom Wolf signed into law the act of November 3, 2022, (Pub.L. 2068, No. 146) (Act 146), which amends the act of May 17, 1921, (Pub.L. 682, No. 284) by substantially increasing the Insurance Department's (Department) oversight related to, inter alia, the Commonwealth's commercial health insurance prior authorization and appeal processes. As part of these processes, health insurers must develop and use certain forms prescribed by Act 146. A collaborative development process has been occurring between the Department and health insurers throughout the fall months. Act 146 takes effect on January 1, 2024.

The act of December 22, 2011, (Pub.L. 614, No. 134) (Act 134) requires each insurer to file with the Department any form which it proposes to issue in this Commonwealth no less than 45 days prior to its effective date.¹ Many form filings for qualified health plans that will be subject to Act 146's requirements were reviewed and dispositioned during the summer and fall months preceding the new plan year in accordance with Federal timelines. Thus, individual and small group forms for Plan Year 2024, beginning on January 1, were already finalized prior to the development of the Act 146 forms. Additionally, certain group forms that may start or be renewed mid-year have already been reviewed.

Through this notice, the Department is providing the regulated community notice that it will exercise enforcement discretion for forms required by Act 146 that will be used beginning on January 1, 2024, but that have not yet been filed for approval in accordance with Act 134 requirements. Note that this enforcement discretion only extends to the Act 134 form filing requirements for Act 146 forms to be used during Plan Year 2024; the Department expects that Act 146 forms used during Plan Year

¹ The Commissioner has identified certain forms that are exempt from filing in Department Notice 2018-10, 48 Pa.B. 7282 (November 17, 2018). Neither Act 146 nor this notice alters the guidance provided in Notice 2018-10.

2024 will comply with all relevant Act 146 requirements. Moreover, the Department expects the regulated community to operationalize the processes required by Act 146 in accordance with the statutory timeframes.

Questions regarding this notice may be directed to Robert Feguer, Director, Bureau of Managed Care, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-inburmngdcareprdr@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1709. Filed for public inspection December 8, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

LifeSecure Insurance Company; Rate Increase Filing for LTC Form LS-0002 PA 07/07 (SERFF # LFSC-133840905); Rate Filing

LifeSecure Insurance Company is requesting approval to increase the premium 55.85% on 157 policy holders with individual LTC form LS-0002 PA 07/07.

Unless formal administrative action is taken prior to February 13, 2024, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers," then select "Other Rate Filings," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1710. Filed for public inspection December 8, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 27, 2023, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. The filing was made in accordance with section 705 of the Workers' Compensation Act (77 P.S. § 1035.5).

The filing proposes an April 1, 2024, effective date for both new and renewal business and includes revisions to the following:

- An overall 7.88% decrease in collectible loss costs.
- An employer assessment factor of 2.42%, as compared to the currently approved provision of 2.89%.
- Updates to a variety of other rating values to reflect the most recent available experience.

- This filing also contemplates the Experience Rating Plan changes approved in filing No. 340 earlier this year and makes necessary adjustments to maintain revenue neutrality.

The entire April 1, 2024, loss cost filing is available for review on the Bureau's web site at www.pcrb.com by clicking on "Industry Resources," then "Filings."

Interested parties are invited to submit written comments, suggestions or objections by means of e-mail to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1711. Filed for public inspection December 8, 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 December 25, 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 December 25, 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-2023-3044408. A 1 Limo, LLC (110 Hillcrest Drive, Sewell, NJ 08080) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3044452. KMS Hauling, LLC (388 Berry Road, Beech Creek, Clinton County, PA 16822) to transport persons, by motor vehicle, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Centre and Clinton, to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2023-3044396. Sarah Car Care, Inc. (7147 Lynford Street, Philadelphia, Philadelphia County, PA 19149-1113) discontinuance of service and cancellation of its certificate to transport, as a contract carrier, by motor vehicle, persons, for LogistiCare Solutions, LLC, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1712. Filed for public inspection December 8, 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 December 26, 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. Barthel Trucking, LLC; Doc. No. C-2023-3038915

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 Barthel Trucking, LLC, Respondent, maintains a mailing address of 655 California Road, Littlestown, PA 17343.

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. 8911412 at A-2022-3037061.

3. On June 23, 2023, PA PUC Enforcement Officer Matthew Ohlinger attempted to contact the Respondent, but Mr. Barthel, owner, was unavailable as he was in Louisiana, an email was also sent at that time. On July 28, 2023, and August 30, 2023, Mr. Barthel was scheduled for the Safety Fitness Review (SFR) and each time Mr.

Barthel cancelled. On October 3, 2023, Mr. Barthel was scheduled to be at the Keystone Building in Harrisburg. Mr. Barthel did not appear to complete the SFR. Officer Ohlinger called phone numbers and texted and emailed messages with no response.

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 8911412.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to Barthel Trucking, LLC, at PUC utility code number 8911412.

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: October 12, 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. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

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. D and S Trucking, LLC; Doc. No. C-2023-3039476

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 D and S Trucking, LLC, Respondent, maintains a mailing address of 450 East 375th Road. Dunnegan, Missouri 65640.

2. On March 22, 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. 8926002 at A-2023-3038647.

3. On June 20, 2023 a first class and certified letter was sent to the address on file with the Commission and was delivered June 24, 2023, the letter stated that Officer David Gill had made several attempts to contact and for the Respondent to contact Officer Gill within 10 days. No response has been received. Officer Gill then phoned the Respondent and spoke with Samuel Fisher, owner. Mr. Fisher indicated that D and S Trucking is no longer operating in Pennsylvania as the company has relocated to Missouri.

4. That Respondent, by failing to notify the Commission of the companies relocation and 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. That Respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.3819(a) and 66 Pa.C.S. § 1102(a)(2). The penalty for these violations is cancellation of the certificate held by Respondent with this Commission at utility code 8926002.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to D and S Trucking, LLC at PUC utility code number 8926002.

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: 11 October 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. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

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. Lyft, Inc.;**
Doc. No. C-2023-3043349

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 Lyft, Inc., Respondent, maintains its principal place of business at 185 Berry Street, Suite 5000, San Francisco, California, 94107.

2. On Respondent was issued a license by this Commission on February 9, 2017, at PUC utility code number 6416471, authorizing transportation of persons for compensation from one point to another within Pennsylvania in Transportation Network Company service.

3. On Respondent, on 23 September 2023, permitted a certain 2022 Toyota COA bearing registration number LWM8189 and having vehicle identification no. the last 4 digits being 6822 to be operated by driver Ying Yang.

4. That the vehicle described in paragraph 3 was inspected on the date specified by PUC Motor Carrier Enforcement Officer Joshua Corney on Hastings Road, College Township, Centre County, PA. The vehicle did not have the company placard displayed in the windshield.

5. That Respondent, by allowing a vehicle to operate while not having the proper company placard displayed on the vehicle as specified by the Commission, violated 66 Pa.C.S. § 2605(b)(8). The fine for this violation is \$50.00.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Lyft Inc. the sum of fifty dollars (\$50.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
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: 26 October 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 may be sent by overnight delivery to:
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 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. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

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. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265D.

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1713. Filed for public inspection December 8, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale and Merger and Water Service

A-2023-3044418, A-2023-3044419, A-2023-3044421 and A-2023-3044422. Pennsylvania American Water Company, Manwalamink Water Company and Manwalamink Sewer Company. Receipt is acknowledged of the joint application of Pennsylvania American Water Company, Manwalamink Water Company and Manwalamink Sewer Company under 66 Pa.C.S § 1102(a) (relating to enumeration of acts requiring certificate), for all of the necessary authority, approvals and certificates of public convenience to approve of: (1) the transfer to Pennsylvania American Water Company, by sale and merger, of all of the property of Manwalamink Water Company used and useful in the public service; (2) the acquisition by Pennsylvania American Water Company of all of the voting capital stock of Manwalamink Water Company; (3) the transfer to Pennsylvania American Water Company, by sale and merger, of all of the property of Manwalamink Sewer Company used and useful in the public service; (4) the acquisition by Pennsylvania American Water Company of all of the voting capital stock of Manwalamink Sewer Company; (5) the transfer, by sale, to Pennsylvania American Water Company of certain real property located in Smithfield Township, Monroe County, that is used and useful in the public service; (6) the abandonment by Manwalamink Water Company of public utility service in portions of Smithfield and Middle Smithfield Townships, Monroe County; (7) the abandonment by Manwalamink Sewer Company of public utility service in portions of Smithfield and Middle Smithfield Townships, Monroe County; (8) the right of Pennsylvania American Water Company to begin to offer, render, furnish and supply water service in portions of Smithfield and Middle Smithfield Townships, Monroe County; and (9) the right of Pennsylvania American Water Company to begin to offer, render, furnish and supply wastewater service in portions of Smithfield and Middle Smithfield Townships, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 26, 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; Manwalamink Sewer Company, 1 Fort Depuy Lane, P.O. Box 48, Shawnee-On-Delaware, PA 18356, Attn: Robert Shebelsky, Chairperson and CEO; Manwalamink Water Company, 1 Fort Depuy Lane, P.O. Box 48, Shawnee-On-Delaware, PA 18356, Attn: Robert Shebelsky, Chairperson and CEO

Through and By Counsel for: Attorney for Pennsylvania American Water Company, Erin K. Fure, Esq., Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, (717) 550-1556, erin.fure@amwater.com; Attorney for MWC and MSC (Manwalamink Companies), Charles J. Vogt, Esq., Law Offices of Charles J. Vogt, LLC, P.O. Box 103, Tannersville, PA 18372, (570) 420-0438, cjvogtlaw@gmail.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1714. Filed for public inspection December 8, 2023, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than December 26, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-23-11-06. Mizan Trans, Inc. (2207 Fuller Street, Philadelphia, PA 19152): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-1715. Filed for public inspection December 8, 2023, 9:00 a.m.]

