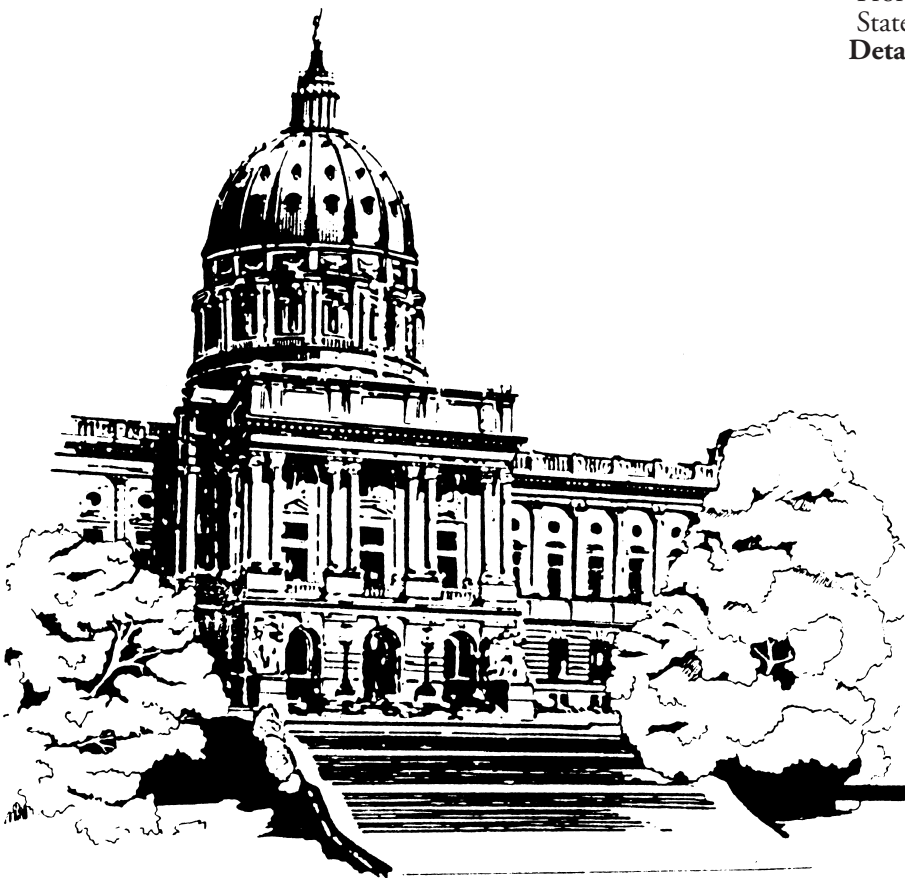


PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Environmental Protection
Health Care Cost Containment Council
Insurance Department
Pennsylvania Public Utility Commission
Professional Standards and Practices Commission
State Conservation Commission
Detailed list of contents appears inside.



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(Master Transmittal Sheet):**

No. 579, February 2023

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CONTENTS

THE COURTS

JUVENILE RULES

Order adopting Rules 138 and 1138 of the Pennsylvania Rules of Juvenile Court Procedure; No. 937 Supreme Court rules docket 1055

LOCAL COURT RULES

Cumberland County

Local rule 1910.12; civil term; civil 96-1335 1060

Monroe County

Local rules of civil procedure on arbitrations; 3 AD 2023; 5 CV 2023 1061

Montgomery County

Amendment to local rule of civil procedure No. *1940.6. termination of mediation.; No. 2023-00001 . 1064

MINOR COURT CIVIL RULES

Order adopting Rule 242 of the Pennsylvania Rules of Civil Procedure governing actions and proceedings before magisterial district judges; No. 529 magisterial rules docket 1056

Order adopting Rule 351 and amending the comments to Rules 301, 302, and 321 of the Pennsylvania Rules of Civil Procedure governing actions and proceedings before magisterial district judges; No. 528 magisterial rules docket 1057

RULES OF CIVIL PROCEDURE

Order adopting Rule 1.22 of the Pennsylvania Rules of Orphans' Court Procedure; No. 936 Supreme Court rules docket 1052

RULES OF CRIMINAL PROCEDURE

Order adopting Rule 102.1 of the Pennsylvania Rules of Criminal Procedure; No. 545 criminal procedural rules docket 1053

RULES OF EVIDENCE

Order amending Rule 201 of the Pennsylvania Rules of Evidence; No. 938 Supreme Court rules docket 1051

SUPREME COURT

Reestablishment of the Magisterial Districts within the 12th Judicial District of the Commonwealth of Pennsylvania; No. 516 Magisterial Rules Docket . . 1065

Reestablishment of the Magisterial Districts within the 40th Judicial District of the Commonwealth of Pennsylvania; No. 468 Magisterial Rules Docket . . 1065

Reestablishment of the Magisterial Districts within the 47th Judicial District of the Commonwealth of Pennsylvania; No. 514 Magisterial Rules Docket . . 1065

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Addendum to the order of quarantine; spotted lanternfly 1066

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 1066

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Agriculture Energy Efficiency Rebate Program deadline extension 1115

Applications, actions and special notices 1068

Electrifying trucks for cleaner air in our communities: The Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Pilot Grant Program; application deadline extension 1115

Interstate pollution transport reduction; proposed 2023 ozone season nitrogen oxide emission limits for nonelectric generating units 1116

Rates for calculating long-term operation and maintenance cost bonds for water supply replacement—mining operations 1118

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Meeting scheduled 1119

INSURANCE DEPARTMENT

Notices

Application for mutual to stock conversion and subsequent merger of protection mutual insurance company of Littlestown with and into Community Insurance Company 1119

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Cancellation of certificates of public convenience for motor carriers; failure to maintain evidence of insurance 1119

Electric generation supplier license cancellation of companies with an expired financial security, insufficient financial security amount or language 1124

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. National Fuel Gas Distribution Corporation 1126

Service of notice of motor carrier applications 1145

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Notices

Application of Diane M. Kashuba for reinstatement of teaching certificates; doc. No. RE-23-001 1146

STATE CONSERVATION COMMISSION

Notices

Action on odor management plans for concentrated animal operations and concentrated animal feeding operations and volunteers complying with the Commonwealth's Facility Odor Management Program 1146

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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.

4 Pa. Code (Administration)

Adopted Rules
 1 930
 5 596, 930
 6 7, 704
 7 705, 821
 7a 7

Statements of Policy

9 611

12 Pa. Code (Commerce, Trade and Local Government)

Adopted Rules
 145 830

25 Pa. Code (Environmental Protection)

Adopted Rules
 109 333, 943
 121 465
 129 465
 901 830
 903 830

37 Pa. Code (Law)

Statements of Policy
 471 20

40 Pa. Code (Liquor)

Adopted Rules
 13 501

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules
 16 14
 17 14
 18 16, 713
 19 370

55 Pa. Code (Human Services)

Adopted Rules
 1101 376

204 Pa. Code (Judicial System General Provisions)

Proposed Rules
 303a 125
 307 256
 307a 256
 311 260, 321

225 Pa. Code (Rules of Evidence)

Adopted Rules
 Art. II 1051

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 322
 1915 824
 Part II 1052

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 1053

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 1055
 11 1055

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules
 200 1056
 300 1057

Proposed Rules

1200 707

249 Pa. Code (Philadelphia Rules)

Unclassified 11

255 Pa. Code (Local Court Rules)

Unclassified 11, 12, 322, 323, 324, 326, 464, 600, 601, 604, 608, 609, 610, 712, 827, 1060, 1061, 1064

THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. II]

Order Amending Rule 201 of the Pennsylvania Rules of Evidence; No. 938 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 13th day of February, 2023, upon the recommendation of the Committee on Rules of Evidence; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Evidence 201 is amended in the attached form.

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

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE II. JUDICIAL NOTICE

Rule 201. Judicial Notice of Adjudicative Facts.

(a) *Scope.* This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) *Kinds of Facts [That May Be] that may be Judicially Noticed.* The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) *Taking Notice.* The court:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(d) *Timing.* The court may take judicial notice at any stage of the proceeding.

(e) *Opportunity to [Be] be Heard.* On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(f) *Instructing the Jury.* The court must instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.

Comment

This rule is identical to F.R.E. 201, except for [paragraph] subdivision (f).

Pa.R.E. 201(a) limits the application of this rule to adjudicative facts. This rule is not applicable to judicial notice of law. Adjudicative facts are facts about the events, persons [and], places, or other subjects rel-

evant to the matter before the court. See [2 McCormick, Evidence § 328 (6th ed. 2006)] 1 West's Pa. Prac., Evidence §§ 201-1, 201-2 (4th ed. 2021).

In determining the law applicable to a matter, the judge is sometimes said to take judicial notice of law. In Pennsylvania, judicial notice of law has been regulated by decisional law [and], statute, and rule. See *In re Annual Controller's Reports for Years 1932, 1933, 1934, 1935 and 1936*, [333 Pa. 489,] 5 A.2d 201 (Pa. 1939) (judicial notice of public laws); 42 Pa.C.S. § 6107 (judicial notice of municipal ordinances); 42 Pa.C.S. § 5327 (judicial notice of laws of any jurisdiction outside the Commonwealth); 45 Pa.C.S. § 506 (judicial notice of the contents of the *Pennsylvania Code* and the *Pennsylvania Bulletin*); see also, e.g., Pa.R.A.P. 126 (citation of authority); Pa.R.Civ.P. 242 (same); Pa.R.J.C.P. 138 and 1138 (same), Pa.R.O.C.P. 1.22 (same), Pa.R.Crim.P. 102.1 (same), and Pa.R.Civ.P.M.D.J. 242 (same). [These rules are] This rule is not intended to change existing provisions of law.

Pa.R.E. 201(f) differs from F.R.E. 201(f). Under the Federal Rule the court is required to instruct the jury to accept as conclusive any fact judicially noticed in a civil case. In a criminal case, the judicially noticed fact is not treated as conclusive. Under Pennsylvania law, the judicially noticed fact has not been treated as conclusive in either civil or criminal cases, and the opposing party may submit evidence to the jury to disprove the noticed fact. See *Appeal of Albert*, [372 Pa. 13,] 92 A.2d 663 (Pa. 1952); *Commonwealth v. Brown*, [428 Pa. Super. 587,] 631 A.2d 1014 (Pa. Super. 1993).

[Official Note

Adopted May 8, 1998, effective October 1, 1998; rescinded and replaced January 17, 2013, effective March 18, 2013.

Committee Explanatory Reports:

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013.)]

SUPREME COURT OF PENNSYLVANIA COMMITTEE ON RULES OF EVIDENCE ORPHANS' COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE

JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.E. 201

Adoption of Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, Pa.R.J.C.P. 138 and 1138, and Pa.R.Civ.P.M.D.J. 242

On February 13, 2023, the Supreme Court amended Pennsylvania Rule of Evidence 201 and adopted Pennsylvania Rule of Orphans' Court Procedure 1.22, Pennsylvania Rule of Criminal Procedure 102.1, Pennsylvania Rules of Juvenile Court Procedure 138 and 1138, and Pennsylvania Rule of Civil Procedure Before Magisterial District Judges 242 to permit the parties and the court to cite non-precedential intermediate appellate court opinions

and single-judge opinions of the Commonwealth Court in election law matters, in accordance with Pa.R.A.P. 126. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committees, not the Court.

On January 5, 2022, the Court adopted a recommendation of the Civil Procedural Rules Committee to permit the citation of authority in accordance with Pa.R.A.P. 126 in civil proceedings. Thereafter, the Juvenile Court Procedural Rules Committee, the Orphans' Court Procedural Rules Committee, the Criminal Procedural Rules Committee, and the Domestic Relations Procedural Rules Committee considered rules similar to Pa.R.Civ.P. 242. The Committees collectively agreed that similar rules were warranted. While in agreement, the Domestic Relations Procedural Rules Committee did not believe that further rulemaking within the rules governing family court proceedings was necessary given that those rules are presently contained within the Pennsylvania Rules of Civil Procedure. Accordingly, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, and Pa.R.Crim.P. 102.1 have been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Minor Court Rules Committee also saw merit in maintaining consistency among the bodies of rules. That Committee observed that the rules governing procedure in magisterial district courts neither address written briefs submitted by the parties nor require written opinions to be issued by the magisterial district judge. Nonetheless, the Committee interpreted "citation" to include a verbal reference to legal authority in accordance with Pa.R.A.P. 126 during the parties' arguments or by handing up an opinion to the magisterial district judge who may then consider the authority in rendering a decision. Accordingly, Pa.R.Civ.P.M.D.J. 242 has been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Committee on Rules of Evidence observed that the Comment to Pa.R.E. 201 discusses judicial notice of the law: "In determining the law applicable to a matter, the judge is sometimes said to take judicial notice of the law." *Id.* at ¶ 2. To aid readers in understanding that Pennsylvania intermediate appellate court opinions may be cited, and therefore taken judicial notice of, the Comment to Pa.R.E. 201 was amended to include references to Pa.R.Civ.P. 242, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, and Pa.R.Civ.P.M.D.J. 242. While Pa.R.A.P. 126 now appears applicable to only appellate proceedings given the adoption of Pa.R.Civ.P. 242 and the other rules, a reference to Pa.R.A.P. 126 was included to eliminate any potential confusion with its omission.

The Committee also reviewed the current description of categories of adjudicative facts in the second sentence in the second paragraph of the Comment to Pa.R.E. 201. Presently, that sentence states: "Adjudicative facts are facts about the events, persons and places relevant to the matter before the court. See 2 McCormick, Evidence § 328 (6th ed. 2006)."

That sentence was revised in two aspects. First, the Committee believed the categories of adjudicative facts stated were too limited. See 1 West's Pa. Prac., Evidence § 201-2 (4th ed. 2021) (providing examples of categories that include nature, mathematics, science, medicine, language, words, abbreviations, times, days, and dates). Accordingly, the phrase, "or other subjects," has been

added to the current description of the categories. Of course, this category, as well as the other categories, must still be relevant to the case.

Second, the Committee observed that statements in the commentary should reference the discussion of secondary sources of the Pennsylvania Rules of Evidence, when available, rather than the Federal Rules of Evidence. Therefore, the reference to *McCormick on Evidence* has been replaced with a reference to 1 West's Pa. Prac., Evidence §§ 201-1, 201-2 (4th ed. 2021).

The Committees did not publish these proposals for comment because of the Civil Procedural Rules Committee's prior publication and the Court's adoption of that Committee's recommendation. See 51 Pa.B. 1002 (February 27, 2021) (proposed Pa.R.Civ.P. 242 published for comment); 52 Pa.B. 440 (January 22, 2022) (adoption of Pa.R.Civ.P. 242); Pa.R.J.A. 103(a)(3) (permitting adoption of rule without prior publication).

These amendments become effective April 1, 2023.

[Pa.B. Doc. No. 23-252. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES [231 PA. CODE PART II]

Order Adopting Rule 1.22 of the Pennsylvania Rules of Orphans' Court Procedure; No. 936 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 13th day of February, 2023, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Orphans' Court Procedure 1.22 is adopted in the attached form.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE PART II. ORPHANS' COURT RULES CHAPTER I. PRELIMINARY RULES

The following text is entirely new.

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

Rule 1.22. Citation of Authorities.

Citation of authorities in matters subject to these rules shall be in accordance with Pa.R.A.P. 126.

Comment

See also 210 Pa. Code § 65.37 and *Wenk v. State Farm Fire and Casualty Co.*, 228 A.3d 540, 552 n.11 (Pa. Super. 2020) for citing to non-precedential decisions of the

Superior Court; and Pa.R.A.P. 3716 and 210 Pa. Code. § 69.414 for citing to non-precedential decisions of the Commonwealth Court.

**SUPREME COURT OF PENNSYLVANIA
COMMITTEE ON RULES OF EVIDENCE**

**ORPHANS' COURT PROCEDURAL
RULES COMMITTEE**

CRIMINAL PROCEDURAL RULES COMMITTEE

**JUVENILE COURT PROCEDURAL
RULES COMMITTEE**

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.E. 201

**Adoption of Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1,
Pa.R.J.C.P. 138 and 1138, and Pa.R.Civ.P.M.D.J. 242**

On February 13, 2023, the Supreme Court amended Pennsylvania Rule of Evidence 201 and adopted Pennsylvania Rule of Orphans' Court Procedure 1.22, Pennsylvania Rule of Criminal Procedure 102.1, Pennsylvania Rules of Juvenile Court Procedure 138 and 1138, and Pennsylvania Rule of Civil Procedure Before Magisterial District Judges 242 to permit the parties and the court to cite non-precedential intermediate appellate court opinions and single-judge opinions of the Commonwealth Court in election law matters, in accordance with Pa.R.A.P. 126. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committees, not the Court.

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The Committee also reviewed the current description of categories of adjudicative facts in the second sentence in the second paragraph of the Comment to Pa.R.E. 201. Presently, that sentence states: "Adjudicative facts are facts about the events, persons and places relevant to the matter before the court. *See* 2 McCormick, Evidence § 328 (6th ed. 2006)."

That sentence was revised in two aspects. First, the Committee believed the categories of adjudicative facts stated were too limited. *See* 1 West's Pa. Prac., Evidence § 201-2 (4th ed. 2021) (providing examples of categories that include nature, mathematics, science, medicine, language, words, abbreviations, times, days, and dates). Accordingly, the phrase, "or other subjects," has been added to the current description of the categories. Of course, this category, as well as the other categories, must still be relevant to the case.

Second, the Committee observed that statements in the commentary should reference the discussion of secondary sources of the Pennsylvania Rules of Evidence, when available, rather than the Federal Rules of Evidence. Therefore, the reference to *McCormick on Evidence* has been replaced with a reference to 1 West's Pa. Prac., Evidence §§ 201-1, 201-2 (4th ed. 2021).

The Committees did not publish these proposals for comment because of the Civil Procedural Rules Committee's prior publication and the Court's adoption of that Committee's recommendation. *See* 51 Pa.B. 1002 (February 27, 2021) (proposed Pa.R.Civ.P. 242 published for comment); 52 Pa.B. 440 (January 22, 2022) (adoption of Pa.R.Civ.P. 242); Pa.R.J.A. 103(a)(3) (permitting adoption of rule without prior publication).

These amendments become effective April 1, 2023.

[Pa.B. Doc. No. 23-253. Filed for public inspection February 24, 2023, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CH. 1]

**Order Adopting Rule 102.1 of the Pennsylvania
Rules of Criminal Procedure; No. 545 Criminal
Procedural Rules Docket**

Order

Per Curiam

And Now, this 13th day of February, 2023, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 102.1 of the Pennsylvania Rules of Criminal Procedure is adopted in the attached form.

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

Annex A

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

The following text is entirely new.

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

Rule 102.1. Citation of Authorities.

Citation of authorities in matters subject to these rules shall be in accordance with Pa.R.A.P. 126.

Comment

See also 210 Pa. Code § 65.37 and *Wenk v. State Farm Fire and Casualty Co.*, 228 A.3d 540, 552 n. 11 (Pa. Super. 2020) for citing to non-precedential decisions of the Superior Court; and Pa.R.A.P. 3716 and 210 Pa. Code § 69.414 for citing to non-precedential decisions of the Commonwealth Court.

SUPREME COURT OF PENNSYLVANIA COMMITTEE ON RULES OF EVIDENCE ORPHANS' COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE

JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.E. 201

Adoption of Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, Pa.R.J.C.P. 138 and 1138, and Pa.R.Civ.P.M.D.J. 242

On February 13, 2023, the Supreme Court amended Pennsylvania Rule of Evidence 201 and adopted Pennsylvania Rule of Orphans' Court Procedure 1.22, Pennsylvania Rule of Criminal Procedure 102.1, Pennsylvania Rules of Juvenile Court Procedure 138 and 1138, and Pennsylvania Rule of Civil Procedure Before Magisterial District Judges 242 to permit the parties and the court to cite non-precedential intermediate appellate court opinions and single-judge opinions of the Commonwealth Court in election law matters, in accordance with Pa.R.A.P. 126. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committees, not the Court.

On January 5, 2022, the Court adopted a recommendation of the Civil Procedural Rules Committee to permit the citation of authority in accordance with Pa.R.A.P. 126 in civil proceedings. Thereafter, the Juvenile Court Procedural Rules Committee, the Orphans' Court Procedural Rules Committee, the Criminal Procedural Rules Committee, and the Domestic Relations Procedural Rules Committee considered rules similar to Pa.R.Civ.P. 242. The Committees collectively agreed that similar rules were warranted. While in agreement, the Domestic Relations Procedural Rules Committee did not believe that further rulemaking within the rules governing family

court proceedings was necessary given that those rules are presently contained within the Pennsylvania Rules of Civil Procedure. Accordingly, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, and Pa.R.Crim.P. 102.1 have been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Minor Court Rules Committee also saw merit in maintaining consistency among the bodies of rules. That Committee observed that the rules governing procedure in magisterial district courts neither address written briefs submitted by the parties nor require written opinions to be issued by the magisterial district judge. Nonetheless, the Committee interpreted "citation" to include a verbal reference to legal authority in accordance with Pa.R.A.P. 126 during the parties' arguments or by handing up an opinion to the magisterial district judge who may then consider the authority in rendering a decision. Accordingly, Pa.R.Civ.P.M.D.J. 242 has been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Committee on Rules of Evidence observed that the Comment to Pa.R.E. 201 discusses judicial notice of the law: "In determining the law applicable to a matter, the judge is sometimes said to take judicial notice of the law." *Id.* at ¶ 2. To aid readers in understanding that Pennsylvania intermediate appellate court opinions may be cited, and therefore taken judicial notice of, the Comment to Pa.R.E. 201 was amended to include references to Pa.R.Civ.P. 242, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, and Pa.R.Civ.P.M.D.J. 242. While Pa.R.A.P. 126 now appears applicable to only appellate proceedings given the adoption of Pa.R.Civ.P. 242 and the other rules, a reference to Pa.R.A.P. 126 was included to eliminate any potential confusion with its omission.

The Committee also reviewed the current description of categories of adjudicative facts in the second sentence in the second paragraph of the Comment to Pa.R.E. 201. Presently, that sentence states: "Adjudicative facts are facts about the events, persons and places relevant to the matter before the court. See 2 McCormick, Evidence § 328 (6th ed. 2006)."

That sentence was revised in two aspects. First, the Committee believed the categories of adjudicative facts stated were too limited. See 1 West's Pa. Prac., Evidence § 201-2 (4th ed. 2021) (providing examples of categories that include nature, mathematics, science, medicine, language, words, abbreviations, times, days, and dates). Accordingly, the phrase, "or other subjects," has been added to the current description of the categories. Of course, this category, as well as the other categories, must still be relevant to the case.

Second, the Committee observed that statements in the commentary should reference the discussion of secondary sources of the Pennsylvania Rules of Evidence, when available, rather than the Federal Rules of Evidence. Therefore, the reference to *McCormick on Evidence* has been replaced with a reference to 1 West's Pa. Prac., Evidence §§ 201-1, 201-2 (4th ed. 2021).

The Committees did not publish these proposals for comment because of the Civil Procedural Rules Committee's prior publication and the Court's adoption of that Committee's recommendation. See 51 Pa.B. 1002 (February 27, 2021) (proposed Pa.R.Civ.P. 242 published for comment); 52 Pa.B. 440 (January 22, 2022) (adoption of Pa.R.Civ.P. 242); Pa.R.J.A. 103(a)(3) (permitting adoption of rule without prior publication).

These amendments become effective April 1, 2023.

[Pa.B. Doc. No. 23-254. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Order Adopting Rules 138 and 1138 of the Pennsylvania Rules of Juvenile Court Procedure; No. 937 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 13th day of February, 2023, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 138 and 1138 are adopted in the attached form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

The following text is entirely new.

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

Rule 138. Citation of Authorities.

Citation of authorities in matters subject to these rules shall be in accordance with Pa.R.A.P. 126.

Comment

See also 210 Pa. Code § 65.37 and *Wenk v. State Farm Fire and Casualty Co.*, 228 A.3d 540, 552 n.11 (Pa. Super. 2020) for citing to non-precedential decisions of the Superior Court; and Pa.R.A.P. 3716 and 210 Pa. Code § 69.414 for citing to non-precedential decisions of the Commonwealth Court.

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1138. Citation of Authorities.

Citation of authorities in matters subject to these rules shall be in accordance with Pa.R.A.P. 126.

Comment

See also 210 Pa. Code § 65.37 and *Wenk v. State Farm Fire and Casualty Co.*, 228 A.3d 540, 552 n.11 (Pa. Super. 2020) for citing to non-precedential decisions of the Superior Court; and Pa.R.A.P. 3716 and 210 Pa. Code § 69.414 for citing to non-precedential decisions of the Commonwealth Court.

SUPREME COURT OF PENNSYLVANIA COMMITTEE ON RULES OF EVIDENCE

ORPHANS' COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE

JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.E. 201

Adoption of Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, Pa.R.J.C.P. 138 and 1138, and Pa.R.Civ.P.M.D.J. 242

On February 13, 2023, the Supreme Court amended Pennsylvania Rule of Evidence 201 and adopted Pennsylvania Rule of Orphans' Court Procedure 1.22, Pennsylvania Rule of Criminal Procedure 102.1, Pennsylvania Rules of Juvenile Court Procedure 138 and 1138, and Pennsylvania Rule of Civil Procedure Before Magisterial District Judges 242 to permit the parties and the court to cite non-precedential intermediate appellate court opinions and single-judge opinions of the Commonwealth Court in election law matters, in accordance with Pa.R.A.P. 126. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committees, not the Court.

On January 5, 2022, the Court adopted a recommendation of the Civil Procedural Rules Committee to permit the citation of authority in accordance with Pa.R.A.P. 126 in civil proceedings. Thereafter, the Juvenile Court Procedural Rules Committee, the Orphans' Court Procedural Rules Committee, the Criminal Procedural Rules Committee, and the Domestic Relations Procedural Rules Committee considered rules similar to Pa.R.Civ.P. 242. The Committees collectively agreed that similar rules were warranted. While in agreement, the Domestic Relations Procedural Rules Committee did not believe that further rulemaking within the rules governing family court proceedings was necessary given that those rules are presently contained within the Pennsylvania Rules of Civil Procedure. Accordingly, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, and Pa.R.Crim.P. 102.1 have been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Minor Court Rules Committee also saw merit in maintaining consistency among the bodies of rules. That Committee observed that the rules governing procedure in magisterial district courts neither address written briefs submitted by the parties nor require written opinions to be issued by the magisterial district judge. Nonetheless, the Committee interpreted "citation" to include a verbal reference to legal authority in accordance with Pa.R.A.P. 126 during the parties' arguments or by handing up an opinion to the magisterial district judge who may then consider the authority in rendering a decision. Accordingly, Pa.R.Civ.P.M.D.J. 242 has been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Committee on Rules of Evidence observed that the Comment to Pa.R.E. 201 discusses judicial notice of the law: "In determining the law applicable to a matter, the judge is sometimes said to take judicial notice of the law." *Id.* at ¶ 2. To aid readers in understanding that Pennsylvania intermediate appellate court opinions may be cited, and therefore taken judicial notice of, the Comment to Pa.R.E. 201 was amended to include references to

Pa.R.Civ.P. 242, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, and Pa.R.Civ.P.M.D.J. 242. While Pa.R.A.P. 126 now appears applicable to only appellate proceedings given the adoption of Pa.R.Civ.P. 242 and the other rules, a reference to Pa.R.A.P. 126 was included to eliminate any potential confusion with its omission.

The Committee also reviewed the current description of categories of adjudicative facts in the second sentence in the second paragraph of the Comment to Pa.R.E. 201. Presently, that sentence states: “Adjudicative facts are facts about the events, persons and places relevant to the matter before the court. *See* 2 McCormick, Evidence § 328 (6th ed. 2006).”

That sentence was revised in two aspects. First, the Committee believed the categories of adjudicative facts stated were too limited. *See* 1 West’s Pa. Prac., Evidence § 201-2 (4th ed. 2021) (providing examples of categories that include nature, mathematics, science, medicine, language, words, abbreviations, times, days, and dates). Accordingly, the phrase, “or other subjects,” has been added to the current description of the categories. Of course, this category, as well as the other categories, must still be relevant to the case.

Second, the Committee observed that statements in the commentary should reference the discussion of secondary sources of the Pennsylvania Rules of Evidence, when available, rather than the Federal Rules of Evidence. Therefore, the reference to *McCormick on Evidence* has been replaced with a reference to 1 West’s Pa. Prac., Evidence §§ 201-1, 201-2 (4th ed. 2021).

The Committees did not publish these proposals for comment because of the Civil Procedural Rules Committee’s prior publication and the Court’s adoption of that Committee’s recommendation. *See* 51 Pa.B. 1002 (February 27, 2021) (proposed Pa.R.Civ.P. 242 published for comment); 52 Pa.B. 440 (January 22, 2022) (adoption of Pa.R.Civ.P. 242); Pa.R.J.A. 103(a)(3) (permitting adoption of rule without prior publication).

These amendments become effective April 1, 2023.

[Pa.B. Doc. No. 23-255. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Order Adopting Rule 242 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges; No. 529 Magisterial Rules Docket

Order

Per Curiam

And Now, this 13th day of February, 2023, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of

Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 242 is adopted in the attached form.

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

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

The following text is entirely new.

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

Rule 242. Citation of Authorities.

Citation of authorities in matters subject to these rules shall be in accordance with Pa.R.A.P. 126.

Comment

See also 210 Pa. Code § 65.37 and *Wenk v. State Farm Fire and Casualty Co.*, 228 A.3d 540, 552 n.11 (Pa. Super. 2020) for citing to non-precedential decisions of the Superior Court; and Pa.R.A.P. 3716 and 210 Pa. Code § 69.414 for citing to non-precedential decisions of the Commonwealth Court.

SUPREME COURT OF PENNSYLVANIA

COMMITTEE ON RULES OF EVIDENCE

ORPHANS’ COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE

JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.E. 201

Adoption of Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, Pa.R.J.C.P. 138 and 1138, and Pa.R.Civ.P.M.D.J. 242

On February 13, 2023, the Supreme Court amended Pennsylvania Rule of Evidence 201 and adopted Pennsylvania Rule of Orphans’ Court Procedure 1.22, Pennsylvania Rule of Criminal Procedure 102.1, Pennsylvania Rules of Juvenile Court Procedure 138 and 1138, and Pennsylvania Rule of Civil Procedure Before Magisterial District Judges 242 to permit the parties and the court to cite non-precedential intermediate appellate court opinions and single-judge opinions of the Commonwealth Court in election law matters, in accordance with Pa.R.A.P. 126. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committees, not the Court.

On January 5, 2022, the Court adopted a recommendation of the Civil Procedural Rules Committee to permit the citation of authority in accordance with Pa.R.A.P. 126 in civil proceedings. Thereafter, the Juvenile Court Procedural Rules Committee, the Orphans’ Court Procedural Rules Committee, the Criminal Procedural Rules Committee, and the Domestic Relations Procedural Rules Committee considered rules similar to Pa.R.Civ.P. 242. The Committees collectively agreed that similar rules were warranted. While in agreement, the Domestic Relations Procedural Rules Committee did not believe that

further rulemaking within the rules governing family court proceedings was necessary given that those rules are presently contained within the Pennsylvania Rules of Civil Procedure. Accordingly, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, and Pa.R.Crim.P. 102.1 have been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Minor Court Rules Committee also saw merit in maintaining consistency among the bodies of rules. That Committee observed that the rules governing procedure in magisterial district courts neither address written briefs submitted by the parties nor require written opinions to be issued by the magisterial district judge. Nonetheless, the Committee interpreted “citation” to include a verbal reference to legal authority in accordance with Pa.R.A.P. 126 during the parties’ arguments or by handing up an opinion to the magisterial district judge who may then consider the authority in rendering a decision. Accordingly, Pa.R.Civ.P.M.D.J. 242 has been adopted with language mirroring that of Pa.R.Civ.P. 242.

The Committee on Rules of Evidence observed that the Comment to Pa.R.E. 201 discusses judicial notice of the law: “In determining the law applicable to a matter, the judge is sometimes said to take judicial notice of the law.” *Id.* at ¶ 2. To aid readers in understanding that Pennsylvania intermediate appellate court opinions may be cited, and therefore taken judicial notice of, the Comment to Pa.R.E. 201 was amended to include references to Pa.R.Civ.P. 242, Pa.R.J.C.P. 138 and 1138, Pa.R.O.C.P. 1.22, Pa.R.Crim.P. 102.1, and Pa.R.Civ.P.M.D.J. 242. While Pa.R.A.P. 126 now appears applicable to only appellate proceedings given the adoption of Pa.R.Civ.P. 242 and the other rules, a reference to Pa.R.A.P. 126 was included to eliminate any potential confusion with its omission.

The Committee also reviewed the current description of categories of adjudicative facts in the second sentence in the second paragraph of the Comment to Pa.R.E. 201. Presently, that sentence states: “Adjudicative facts are facts about the events, persons and places relevant to the matter before the court. *See* 2 McCormick, Evidence § 328 (6th ed. 2006).”

That sentence was revised in two aspects. First, the Committee believed the categories of adjudicative facts stated were too limited. *See* 1 West’s Pa. Prac., Evidence § 201-2 (4th ed. 2021) (providing examples of categories that include nature, mathematics, science, medicine, language, words, abbreviations, times, days, and dates). Accordingly, the phrase, “or other subjects,” has been added to the current description of the categories. Of course, this category, as well as the other categories, must still be relevant to the case.

Second, the Committee observed that statements in the commentary should reference the discussion of secondary sources of the Pennsylvania Rules of Evidence, when available, rather than the Federal Rules of Evidence. Therefore, the reference to *McCormick on Evidence* has been replaced with a reference to 1 West’s Pa. Prac., Evidence §§ 201-1, 201-2 (4th ed. 2021).

The Committees did not publish these proposals for comment because of the Civil Procedural Rules Committee’s prior publication and the Court’s adoption of that Committee’s recommendation. *See* 51 Pa.B. 1002 (February 27, 2021) (proposed Pa.R.Civ.P. 242 published for comment); 52 Pa.B. 440 (January 22, 2022) (adoption of Pa.R.Civ.P. 242); Pa.R.J.A. 103(a)(3) (permitting adoption of rule without prior publication).

These amendments become effective April 1, 2023.

[Pa.B. Doc. No. 23-256. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 300]

Order Adopting Rule 351 and Amending the Comments to Rules 301, 302, and 321 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 528 Magisterial Rules Docket

Order

Per Curiam

And Now, this 10th day of February, 2023, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 52 Pa.B. 3816 (July 9, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 351 is adopted and the comments to Rules 301, 302, and 321 are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 11, 2023.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 301. Definition[.]; Scope.

[**A.**] (a) As used in this chapter, “action” means a civil action brought before a magisterial district judge.

[**B.**] (b) Civil action includes any action within the jurisdiction of a magisterial district judge except an action by a landlord against a tenant for the recovery of the possession of real property.

[**C.**] (c) As used in this chapter, “complaint” or civil action shall include, where applicable, the attached and completed Civil Action Hearing Notice form.

Comment

Civil action includes actions formerly denominated “assumpsit” or “trespass” (commonly called contract and tort cases, respectively) and civil claims for fines and penalties. *See* 42 Pa.C.S. § 1515(a)(3) prescribing the jurisdiction of magisterial district judges.

The rules in this chapter apply to all civil actions before magisterial district judges except an action by a landlord against a tenant for the recovery of possession of real property, which is governed by Chapter 500 of these rules.

Except as otherwise provided in [**Rule 350**] **Rules 350 and 351**, the rules in this chapter apply to: **(1) *de novo* appeals filed pursuant to 75 Pa.C.S. § 3369(j)(4), relating to automated work zone speed enforcement violations; and (2) actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.**

Statutes authorizing a civil fine or penalty include 53 P.S. §§ 10617.1 and 10817-A relating to violations of zoning and joint municipal zoning ordinances.

Rule 302. Venue.

* * * * *

Comment

This rule combines, with some minor changes, the Pennsylvania Rules of Civil Procedure relating to venue. See:

- (1) Individuals: Pa.R.Civ.P. 1006(a).
- (2) Partnerships: Pa.R.Civ.P. 2130(a).
- (3) Corporations: Pa.R.Civ.P. 2179(a).
- (4) Insurance Policies: Pa.R.Civ.P. 2179(b).
- (5) Unincorporated Associations: Pa.R.Civ.P. 2156(a).
- (6) Political Subdivisions: Pa.R.Civ.P. 2103(b).

This rule is not intended to repeal special statutory venue provisions, such as the: (1) venue provisions for actions involving installment sales of goods and services, 12 Pa.C.S. § 6307; (2) venue provisions of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692i, pertaining to actions brought by debt collectors against consumers; [**and**] (3) venue provisions for appeals from automated work zone speed enforcement violations, 75 Pa.C.S. § 3369(j)(4); **and (4) venue provisions for actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.** See Pa.R.Civ.P.M.D.J. 382(1) (pertaining to Acts of Assembly providing for special venue provisions that are not suspended).

For a definition of “transaction or occurrence,” see *Craig v. W.J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).

Subdivision G is intended to take care of indistinct, “center line” or other confusing boundaries in the respects mentioned. When a complaint is transferred under subdivision H, it is treated as if originally filed in the transferee court on the date first filed in a court. If service of the complaint has already been made, no new service may be necessary, but the transferee court must set a new date, time and place for the new hearing and notify the parties thereof. It is the intent of this rule that cases may be transferred to any Pennsylvania court with appropriate jurisdiction and venue, including the Philadelphia Municipal Court. Likewise, nothing in this rule prohibits a court other than a magisterial district court from transferring a case to a magisterial district court with proper jurisdiction and venue, in accordance with the procedural rules of the transferring court. The jurisdictional limits of the magisterial district courts and the Philadelphia Municipal Court are governed by 42 Pa.C.S. §§ 1515 and 1123, respectively.

There are no costs for transfer of the complaint and no additional filing costs when a case is transferred from one magisterial district court to another magisterial district

court. There are no additional filing costs when a case is transferred from the Philadelphia Municipal Court to a magisterial district court.

There may be additional service costs when a case is transferred.

Rule 321. Hearings and Evidence.

The magisterial district judge shall be bound by the rules of evidence, except that a bill, estimate, receipt, or statement of account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

Comment

The exception to the rules of evidence provided by this rule was inserted because the Pennsylvania statutes making certain business entries admissible in evidence apparently do not apply to bills, receipts, and the like that are made in the regular course of business but are not made as “records.” See 42 Pa.C.S. § 6108. The fact that this exception permits the introduction of these items of evidence without affidavit or other evidence of their truth, accuracy, or authenticity does not, of course, preclude the introduction of evidence contradicting them. The exception was deemed necessary because the items of evidence made admissible thereby are probably the proofs most commonly used in minor judiciary proceedings. See [**Rule 350 D(2)**] **Rules 350D(2) and 351(d)** for additional exceptions applicable to appeals from automated work zone speed enforcement violations **and actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.**

The following rule text is entirely new.

(*Editor’s Note:* The text of this rule is entirely new and printed in regular type to enhance readability.)

Rule 351. Action to Contest Civil Liability for Passing a School Bus with Flashing Red Lights and an Activated Side Stop Signal Arm; Failure to Respond to a Notice of Violation.

(a) As used in this rule:

(1) “Vehicle owner” means the owner of a vehicle alleged to have violated 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.

(2) “Police department” means the police department issuing the notice of violation of 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.

(b) *Venue.* An action filed pursuant to this rule shall only be filed in the magisterial district court in the magisterial district where the alleged violation of 75 Pa.C.S. § 3345 occurred.

(c) *Proceedings.*

(1) *Vehicle Owner Request to Contest Liability.*

(i) A vehicle owner may contest the liability alleged in the notice of violation within 30 days of the mailing of the notice of violation by filing a hearing request form prescribed by the State Court Administrator together with a copy of the notice of violation.

(ii) The vehicle owner shall pay all costs for filing and service of the hearing request form at the time of filing or, if without the financial resources to pay the costs of litigation, the vehicle owner shall file a petition to proceed *in forma pauperis* pursuant to Rule 206E.

(iii) After setting the hearing date pursuant to Rule 305, the magisterial district judge shall serve the hearing request on the police department by mailing a copy to the police department at the address listed on the notice of violation by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show that the hearing request was received by the police department.

(2) *Vehicle Owner Fails to Respond to Notice of Violation.* If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner pursuant to Rule 303.

(d) *Evidence.* The hearing is subject to the standards of evidence set forth in Rule 321, except that photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation may also be entered as evidence by any party without affidavit or other evidence of their truth, accuracy, or authenticity.

Comment

75 Pa.C.S. § 3345.1 provides for automated side stop signal arm enforcement systems to identify and civilly fine the owners of vehicles failing to stop for a school bus with flashing red lights and an activated side stop signal arm. This rule was adopted to address the provisions of the statute that (1) allow a vehicle owner to contest liability for a notice of violation and (2) establishes a mechanism for a police department to file a complaint when a vehicle owner has failed to respond to a notice of violation.

Insofar as other procedures under these rules may be applicable, the vehicle owner shall be deemed the “defendant” and the police department shall be deemed the “plaintiff.”

A vehicle owner issued a notice of violation under 75 Pa.C.S. § 3345.1 may contest liability by requesting a hearing with the magisterial district judge in the magisterial district where the violation occurred. The initiating document in an action filed by a vehicle owner to contest liability is the hearing request form, which shall be used in lieu of a complaint.

If the magisterial district judge finds the vehicle owner liable for the violation, the vehicle owner shall pay civil fines incurred pursuant to 75 Pa.C.S. § 3345.1(c) to the police department and not to the magisterial district court. See Rule 3.10(A)(2) of the Rules Governing Standards of Conduct of Magisterial District Judges (prohibiting a magisterial district judge from engaging in any activity related to the collection of a claim or judgment for money); see also Pa.R.Civ.P.M.D.J. 323, Comment (“The payments are to be made to the plaintiff and not to the magisterial district judge”).

If the magisterial district judge enters judgment in favor of the vehicle owner, the vehicle owner is entitled to recover taxable costs from the police department. See Pa.R.Civ.P.M.D.J. 206B (“The prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and

execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.”). Procedures for enforcement of judgments, including judgments in favor of the plaintiff for taxable costs from the defendant, are set forth in Rules 401 *et seq.*

If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner in the magisterial district where the violation occurred pursuant to Rule 303. See 75 Pa.C.S. § 3345.1(i.1)(2)(iii). A complaint filed by a police department to enforce a notice of violation when the vehicle owner failed to respond will proceed as any other civil action filed pursuant to Rule 303 except as otherwise provided in this Rule. See also Pa.R.Civ.P.M.D.J. 206 (pertaining to costs).

Photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation were added to the existing business record exceptions in Rule 321 because they are the proofs most likely to be used to support the permitted defenses to 75 Pa.C.S. § 3345.1(c).

See Rules 1001 *et seq.* for procedures to appeal a judgment rendered by a magisterial district judge or to file a *praecipe* for a writ of *certiorari* in civil actions, including actions brought pursuant to this rule.

MINOR COURT RULES COMMITTEE ADOPTION REPORT

Adoption of Pa.R.Civ.P.M.D.J. 351 and Amendment of the Comments to Pa.R.Civ.P.M.D.J. 301, 302, and 321

On February 10, 2023, the Supreme Court adopted Rule 351 and amended the Comments to Rules 301, 302, and 321 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (“Rules”), pertaining to challenges to civil violations issued via an automated side stop signal enforcement system on a school bus (“school bus camera”). The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to these changes. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court. The Committee published a proposal pertaining to violations issued via school bus cameras for public comment at 52 Pa.B. 3816 (July 9, 2022). The comment period ran through August 24, 2022. These rule changes become effective on April 1, 2023.

Act 38 of 2020 authorized the use of automated side stop signal enforcement systems on school buses to identify and issue civil violations to the owners of vehicles passing a stopped school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated. See 75 Pa.C.S. § 3345.1(a), (c). Using the camera footage, a system vendor provides violation data to the police department with coverage responsibility for the school district or the Pennsylvania State Police. See *id.* § 3345.1(h). The police department reviews the violation evidence from the vendor and authorizes the issuance of a notice of violation to the vehicle owner. See *id.* § 3345.1(h.2)(1). The notice of violation instructs the vehicle owner to either pay the fine as indicated on the notice of violation or “request a hearing with the magisterial district judge for the purpose of contesting liability.” *Id.* § 3345.1(i.1)(1)(iv). If the owner does not pay the fine or contest liability within 30 days of the original notice,

the police department may “turn the matter over to the magisterial district judge where the violation occurred. The magisterial district judge may assess liability upon the owner for failure to pay the fine or contest liability.” *Id.* § 3345.1(i.1)(2)(iii).

New Rule 351(c)(1) addresses when the vehicle owner contests liability for the alleged violation by filing a hearing request with the magisterial district court in the magisterial district where the alleged violation occurred. The vehicle owner must attach a copy of the notice of violation to the hearing request and it must be filed within 30 days from the original notice.¹ The vehicle owner must pay all filing and service costs at the time of filing or file a petition to proceed *in forma pauperis* pursuant to Rule 206E. The hearing notice is served on the police department by certified mail or comparable delivery method.

New Rule 351(c)(2) addresses when the vehicle owner fails to respond timely to the notice of violation either by paying the fine or requesting a hearing to contest liability. In those instances, the police department may “turn the matter over to the magisterial district judge.” *See* 75 Pa.C.S. § 3345.1(i.1)(2)(iii). A police department may do this by filing a civil complaint with the magisterial district court in the magisterial district where the alleged violation occurred, no earlier than 30 days from the date of the original notice. Except as otherwise provided by Rule 351, a complaint filed pursuant to subdivision (c)(2) will proceed in the same manner as any other civil complaint.

In an action brought pursuant to subdivision (c)(2), the only issue before the magisterial district judge is whether the vehicle owner timely responded to the notice of violation by paying the civil fine or contesting liability. 75 Pa.C.S. § 3345.1(i.1)(2)(iii). The underlying violation for passing a school bus is not the subject of a hearing on a complaint brought pursuant to subdivision (c)(2)(i) and the defenses in 75 Pa.C.S. § 3345.1(f) are not applicable.²

Relative to cost recovery, if the prevailing party has paid the filing and service costs, that party is entitled to recover taxable costs from the unsuccessful party. *See* 42 Pa.C.S. § 1726; *see also* Pa.R.Civ.P.M.D.J. 206B (pertaining to awarding of costs to a prevailing party). While it may be unusual for a police department to be a party in a civil matter in magisterial district court, the statute has prescribed these violations for passing a school bus as civil actions, not criminal.

Because these are civil actions, the unsuccessful party must pay the judgment amount directly to the prevailing party. *See* Rule 3.10(A)(2) of the Rules Governing Standards of Conduct of Magisterial District Judges (prohibiting a magisterial district judge from engaging in any activity related to the collection of a claim or judgment for money); *see also* Pa.R.Civ.P.M.D.J. 323, Comment (“The payments are to be made to the plaintiff and not to the magisterial district judge”).

The courts of common pleas have jurisdiction of appeals and writs of *certiorari* from judgments rendered by the magisterial district courts. “Except as otherwise pre-

¹ The statute does not address the scenario when the vehicle owner initially pays the violation but later decides to request a hearing within 30 days of the original notice. Accordingly, such a provision was not incorporated in the Rules to accommodate this likely rare occurrence.

² This scheme is similar to zoning enforcement proceedings brought pursuant to the Municipalities Planning Code (“MPC”), 53 P.S. §§ 10101 *et seq.* Under the MPC, once an alleged violator has been given notice of a zoning violation pursuant to 53 P.S. § 10616.1, the alleged violator can seek an appeal with the municipality’s zoning hearing board but cannot defend the underlying charges before the magisterial district judge after failing to appeal. *See e.g., City of Erie v. Freitas*, 681 A.2d 840, 842 (Pa. Cmwlth., 1996).

scribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have exclusive jurisdiction of appeals from final orders of the minor judiciary established within the judicial district.” *See* 42 Pa.C.S. § 932. An appeal from a judgment rendered by a magisterial district court or a *praecipe* for a writ of *certiorari* should be made to the court of common pleas for the judicial district. *See* Pa.R.Civ.P.M.D.J. 1001 *et seq.*

The Comments to Rules 301, 302, and 321 were amended to incorporate new Rule 351. The Comment to Rule 301 (Definition; Scope) was amended to provide that the Rules apply generally to school bus camera violations, except as otherwise provided by new Rule 351. The Comment to Rule 302 (Venue) was updated to add these new actions to the list of actions with special venue provisions. Finally, the Comment to Rule 321 (Hearings and Evidence) was amended to add a cross-reference to new Rule 351(d), providing exceptions to the evidentiary requirements in hearings on these new actions.

[Pa.B. Doc. No. 23-257. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule 1910.12; Civil Term; Civil 96-1335

Amended Order

And Now, this 10th day of February 2023, it is hereby Ordered and Decreed, that thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, Cumberland County Local Rule of Court 1910.12 is amended to read as follows:

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: 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 forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis. The assigned Judge will set a briefing and argument schedule.

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 adminrules@pacourts.us.

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

3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.

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

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

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

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 23-258. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Local Rules of Civil Procedure on Arbitrations; 3 AD 2023; 5 CV 2023

Order

And Now, this 9th day of February, 2023, it is Ordered that the Administrative Order and accompanying Local Civil Rules published in Volume 53 of the *Pennsylvania Bulletin* on January 28, 2023 are rescinded and replaced with the following Order and the following Monroe County Rules of Civil Procedure 1303, 1304, and 1305.

Monroe Co.R.Civ.P. 1303, 1304, and 1305 are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one (1) electronic copy of this Rule with the Administrative Office of Pennsylvania Courts via email to civilrules@pacourts.us.

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

3. Arrange to have this Rule published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have this Rule, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep this Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

Compulsory Arbitration

Rule 1301. Scope.

1. *Types of Cases for Compulsory Arbitration*—All civil cases where the amount in controversy (exclusive of interest and costs) is Fifty Thousand (\$50,000.00) Dollars or less shall first be submitted to a Board of Arbitrators, except those cases involving title to real estate, equity cases, mandamus, quo warranto, and mortgage foreclosure, in accordance with 42 Pa.C.S. § 7361.

2. *Amount in Controversy*—The amount in controversy shall be determined from the pleadings or by agreement of counsel.

3. *Cases on a Trial List*—The Court may of its own motion, or upon the motion of any party, strike from the trial list and certify for arbitration any case which should have been submitted for Compulsory Arbitration in the first instance.

4. *Timing of Arbitration*—No case shall be scheduled for arbitration until

a. the expiration of 30 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; AND

b. unless counsel for the moving party certifies at the time of filing the Praeceptum for arbitration that:

i. All preliminary objections have been finally determined;

ii. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay hearing;

iii. The moving party and witnesses are available and ready to proceed to hearing.

5. *Form*—A case shall be listed for arbitration when a party files a Praeceptum for Arbitration on the form attached to this rule.

Form—Praeceptum for Arbitration

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

NO: _____

PRAECEPTUM FOR ARBITRATION

43 J.D.R.C.P. 1301

VS.

TO THE PROTHONOTARY OF SAID COURT:

Appoint arbitrators in the above case

- () Amount in controversy is \$50,000 or less.
- () The case has been at issue more than thirty days.
- () Order of the Court.
- () Judgment has been entered Sec Leg. Assessment of Damages only.
- () Estimated time required for hearing is _____ hours.
- () There is Companion Case No. _____ .
- () Other

The case is to be tried by and notices sent to:

Attorney(s) for Plaintiff(s) or Pro Se Plaintiff

Attorney(s) for Defendant(s) or Pro Se Defendant

Address

Address

Phone Number

Phone Number

Email

Email

I CERTIFY that all preliminary objections have been finally determined; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed.

I CERTIFY that a copy of this Praecept has been served on the following by the moving party.

Dated: _____

Attorney for the _____

Rule 1302. Selection, Replacement, and Compensation of Arbitrators.

1. *Arbitrators*—Attorneys admitted to the Monroe County Bar shall constitute a list of members qualified to act as arbitrators. The Court Administrator shall select from said list three (3) arbitrators for each action; the Chairperson shall have been a member of the Bar of this Court admitted to the practice of law for a minimum of three (3) years. Not more than one member or associate of a firm or association of attorneys shall be appointed to the same board.

2. *Replacement as an Arbitrator*—If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall request replacement on the form that follows by email to Arbitrations@monroepacourts.us a minimum of seven (7) days prior to the scheduled arbitration hearing, except where excused by the Court for good cause shown. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of her/his appointment by the Court Administrator, the attorney may be subject to sanctions.

3. *Notice of Appointment*—The Court Administrator shall email a copy of the notice of appointment to each attorney of record and to each arbitrator appointed. In the event that any party is not represented by an attorney, the Court Administrator shall send such copy to the party at her/his last known address by certified and regular mail. The address and if known, email address of any unrepresented party is to be furnished to the Court Administrator by the party filing the Praecept for arbitration.

4. *Arbitrator Compensation*—The amount of compensation for each member of the Board of Arbitrators, which shall be paid by the County, shall be established from time to time by the President Judge by Administrative Order. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon request by the Chairperson under subsection 8 of this Rule.

Form—Replacement of Arbitrator

**COURT OF COMMON PLEAS OF MONROE COUNTY
 FORTY-THIRD JUDICIAL DISTRICT
 COMMONWEALTH OF PENNSYLVANIA**

_____ NO: _____

 VS.

REQUEST FOR REPLACEMENT OF ARBITRATOR

Arbitration Date: _____

Chairperson: _____
 (Include Firm) _____

Arbitration Panelists: _____
 (Include Firm) _____

Reason for Request: _____

Substitute Panelist: _____
 (Include Firm) _____

 Signature Date

 Name Firm

 Email Telephone

Rule 1303. Continuance of Arbitration, Notice, Failure to Appear.

1. *Form of Application for Continuance*—The President Judge or her/his designee shall have the authority to grant continuances and all requests for continuances shall be by motion as set forth in Pa.R.C.P. 206.1(a), Pa.R.C.P. 208.2(d), and Monroe County Local Rule of Civil Procedure 208.2(d).

2. *Timing of Motion for Continuance*—All motions for continuance of an arbitration must be filed a minimum of seven (7) business days prior to the date of the hearing. Prior to filing a motion for continuance, the moving party shall confer with opposing counsel and all arbitration panelists on a date for the continued hearing. The moving party shall include any agreed-upon dates in their motion and attach certificates of concurrence.

3. *Notice*—Notice of the date, time and place of arbitration shall be provided to counsel for the parties via electronic mail or, if unrepresented, to the party directly via certified and regular mail by the Court Administrator, or her/his designee, and shall include the following provision pursuant to Pa.R.C.P. 1303(a)(2):

“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

4. *Failure to Appear for Arbitration*—If a party fails to appear for the hearing, no default judgment shall be entered. The arbitrators shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence.

Rule 1304. Conduct of Hearing, Generally.

1. *Compliance with State Rules*—The arbitrators and parties shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305, 1306. When making an award pursuant to Pa.R.C.P. 1306, the arbitrators shall complete and sign the form provided by Court Administration as prescribed by Pa.R.C.P. 1312. The Chairperson shall send the completed form by email to Arbitrations@monroepacourts.us no more than three business (3) days following the arbitration.

2. *Additional Day(s) of Hearing*—When more than one hearing becomes necessary, the Chairperson shall notify Court Administration on the form that follows by emailing same to Arbitrations@monroepacourts.us. The Chairperson must indicate on the form that all participants concur with the request for additional time and shall set forth a hearing date mutually agreed upon by counsel, the parties, and the arbitrators.

Form—Additional Hearing Day

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

NO: _____

VS.

REQUEST FOR ADDITIONAL HEARING DAY

Arbitration Date: _____

Chairperson: _____

Arbitration Panelists: _____

Counsel for Plaintiff: _____

Counsel for Defendant: _____

Reason for Request: _____

Agreed-Upon Date(s): _____

Signature _____ Date _____

Name _____ Firm _____

Email _____ Telephone _____

Rule 1315. Default Judgment and Settlement.

1. Default Judgment—If a default judgement is entered on a case that is scheduled for arbitration, the filing party must notify Court Administration simultaneously with the filing of the default judgement by email to Arbitrations@monroepacourts.us. Thereafter, a timestamped copy of the default judgement must be emailed to Court Administration a minimum of three (3) business days prior to the arbitration.

2. Settlement—If the parties to a case scheduled for arbitration reach a settlement, they must file a Joint Motion to Cancel the Arbitration and notify Court Administration simultaneously with the filing of the Joint Motion by email to Arbitrations@monroepacourts.us. Thereafter, a copy of the timestamped Joint Motion must be emailed to Court Administration a minimum of three (3) business days prior to the arbitration. If no Praecipe to Discontinue/Settle and End has been filed with the Joint Motion, the Plaintiff will be ordered to file one within thirty (30) days.

[Pa.B. Doc. No. 23-259. Filed for public inspection February 24, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendment to Local Rule of Civil Procedure No. *1940.6. Termination of Mediation.; No. 2023-00001

Order

And Now, this 13th day of February, 2023, the Court hereby Amends Montgomery County Local Rule of Civil

Procedure No. *1940.6. Termination of Mediation. This Amended Rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in The Legal Intelligencer. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. One (1) copy shall be filed with the Law Library

of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

CAROLYN TORNETTA CARLUCCIO,
President Judge

Rule *1940.6. Termination of Mediation.

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

(d) The Mediator is prohibited from asking the parties to sign any Memorandum of Understanding or agreement. **[No mediator-drafted Memorandum of Understanding or agreement shall be submitted to the Court in any proceeding.]**

[Pa.B. Doc. No. 23-260. Filed for public inspection February 24, 2023, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 12th Judicial District of the Commonwealth of Pennsylvania; No. 516 Magisterial Rules Docket

Amended Order

Per Curiam

And Now, this 9th day of February, 2023, the Order dated October 13, 2022, that Reestablished the Magisterial Districts of the 12th Judicial District (Dauphin County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The terminology for voting districts in Swatara Township is hereby changed from 'wards' to 'precincts'. Swatara Township (Precincts 2, 4-10) shall be located in Magisterial District 12-2-01. Swatara Township (Precincts 1, 3) shall be located in Magisterial District 12-2-02. The Order of October 13, 2022 shall remain in effect in all other respects.

[Pa.B. Doc. No. 23-261. Filed for public inspection February 24, 2023, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 40th Judicial District of the Commonwealth of Pennsylvania; No. 468 Magisterial Rules Docket

Amended Order

Per Curiam

And Now, this 9th day of February, 2023, the Order dated May 2, 2022, that Reestablished the Magisterial Districts of the 40th Judicial District (Indiana County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: White Township, Ward 3-3, is hereby added to Magisterial District 40-3-02. The Order of May 2, 2022 shall remain in effect in all other respects.

[Pa.B. Doc. No. 23-262. Filed for public inspection February 24, 2023, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 47th Judicial District of the Commonwealth of Pennsylvania; No. 514 Magisterial Rules Docket

Amended Order

Per Curiam

And Now, this 9th day of February, 2023, the Order dated September 13, 2022 that Reestablished the Magisterial Districts of the 47th Judicial District (Cambria County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Conemaugh Township is hereby removed from Magisterial District 47-1-01. Conemaugh Township is to remain in Magisterial District 47-3-06. The Order of September 13, 2022 shall remain in effect in all other respects.

[Pa.B. Doc. No. 23-263. Filed for public inspection February 24, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Spotted Lanternfly

Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). These powers include the authority, set forth at section 258.21 of the Act (3 P.S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the Order of Quarantine and Treatment: Spotted Lanternfly, published at 51 Pa.B. 1346 issued Saturday, March 13, 2021 (Order of Quarantine), where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or con-

firmed shall be subject to the provisions of that Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, with regard to that place or area shall become effective immediately.

Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated herein and made a part hereof this Addendum to the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, the Department Orders the following:

1. Establishment of Quarantine.

The provisions, standards and requirements of the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021 are hereby established and hereafter apply with respect to Butler, Clearfield, Clinton, Fayette, Lawrence, and Somerset Counties. This is in addition to, and does not replace, any areas already subject to the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021 and any previous Addendums to that Order of Quarantine.

2. All Provisions Apply.

All of the provisions established in the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, are hereby made a part of this Addendum as if fully set forth herein and shall hereby be made applicable to Butler, Clearfield, Clinton, Fayette, Lawrence, and Somerset Counties.

RUSSELL REDDING,
Acting Secretary

[Pa.B. Doc. No. 23-264. Filed for public inspection February 24, 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 February 14, 2023.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 02-13-2023 | The Juniata Valley Bank Mifflintown Juniata County | Filed |
| | Application for approval to purchase assets and assume liabilities of one branch of Orrstown Bank, Shippensburg, PA, located at: | |
| | 16400 Path Valley Road Spring Run Franklin County | |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 02-10-2023 | Bank of Bird-in-Hand Bird-in-Hand Lancaster County | 7180 Bernville Road Bernville Berks County (Mobile) | Filed |
| 02-13-2023 | Univest Bank and Trust Co. Souderton Montgomery County | 51 Dutilh Road Cranberry Township Butler County | Opened |
| 02-13-2023 | CNB Bank Clearfield Clearfield County | 124 West Main Street Salem Roanoke County, VA | Opened |

Branch Relocations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 02-14-2023 | Meridian Bank Malvern Chester County | <i>To:</i> 220 West Lancaster Avenue Wayne Delaware County <i>From:</i> 1776 East Lancaster Avenue Paoli Chester County | Approved |
| 02-14-2023 | Elderton State Bank Elderton Armstrong County | <i>To:</i> 601 West Main Street Rural Valley Armstrong County <i>From:</i> 710 North Water Street Rural Valley Armstrong County | Approved |

CREDIT UNIONS

No activity.

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

SARAH HAMMER,
Acting Secretary

[Pa.B. Doc. No. 23-265. Filed for public inspection February 24, 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 provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

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: 717-826-5472. 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: 814-332-6078. 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> |
|---------------------------|--|-------------------------|---|---|-------------------|
| 4594405A-1 | Individual | Amendment | Cresson Point Properties 7721 Ralston Court East Stroudsburg, PA 18301 | Middle Smithfield Township Monroe County | NERO |
| 1513835 | Joint DEP/PFBC Pesticides Permit | Renewal | Brittany Hills HOA 367 Carlisle Drive Avondale, PA 19311-1440 | New Garden Township Chester County | SERO |
| 1513873 | Joint DEP/PFBC Pesticides Permit | Renewal | Moccasin Run Golf Club 402 Schoff Road Atglen, PA 19310-9636 | Atglen Borough Chester County | SERO |
| 5913804 | Joint DEP/PFBC Pesticides Permit | Renewal | Sugar Branch Lake Estates 608 Austinville Road Troy, PA 16947-9210 | Sullivan Township Tioga County | NCRO |
| 6123801 | Joint DEP/PFBC Pesticides Permit | New | Bob Barber 205 Barber Drive Franklin, PA 16323-6043 | Sugarcreek Borough Venango County | NWRO |
| 1594403 | Land Application and Reuse of Sewage Individual WQM Permit | Renewal | Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976 | West Vincent Township Chester County | SERO |
| NOEXNE048 | No Exposure Certification | New | PFNonwovens LLC 101 Green Mountain Road Hazleton, PA 18202 | Hazle Township Luzerne County | NERO |

| <i>Application Number</i> | <i>Permit Type</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|---|-------------------------|---|---|-------------------|
| NOEXSE352 | No Exposure Certification | New | WuXi AppTec 4751 League Island Boulevard Philadelphia, PA 19112-1220 | Philadelphia City Philadelphia County | SERO |
| NOEXSE353 | No Exposure Certification | New | WuXi AppTec 4751 League Island Boulevard Philadelphia, PA 19112-1220 | Philadelphia City Philadelphia County | SERO |
| NOEXSW001 | No Exposure Certification | Renewal | Industrial Scientific 1 Life Way Pittsburgh, PA 15205-7500 | Robinson Township Allegheny County | SWRO |
| PAG030115 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | MM Metals USA LLC 53 Middle Drive Fairless Hills, PA 19039 | Falls Township Bucks County | SERO |
| PAG032269 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | PFNonwovens LLC 101 Green Mountain Road Hazleton, PA 18202 | Hazle Township Luzerne County | NERO |
| PAG033667 | PAG-03 NPDES General Permit for Industrial Stormwater | New | McConway & Torley LLC 109 48th Street Pittsburgh, PA 15201-2755 | Kutztown Borough Berks County | SCRO |
| PAG036230 | PAG-03 NPDES General Permit for Industrial Stormwater | Amendment | Heidelberg Mat'ls Ne fka Hanson Aggregates PA 2200 Springfield Pike Connellsville, PA 15425-6412 | Coraopolis Borough Allegheny County | SWRO |
| PAG036286 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Michael Bros Adamsburg LLC P.O. Box 157 Bethel Park, PA 15102-0157 | Hempfield Township Westmoreland County | SWRO |
| PAG036296 | PAG-03 NPDES General Permit for Industrial Stormwater | Amendment | Heidelberg Mat'ls Ne fka Hanson Aggregates PA 2200 Springfield Pike Connellsville, PA 15425-6412 | Lower Burrell City Westmoreland County | SWRO |
| PAG036317 | PAG-03 NPDES General Permit for Industrial Stormwater | Amendment | Heidelberg Mat'ls Ne fka Hanson Aggregates PA 2200 Springfield Pike Connellsville, PA 15425-6412 | Economy Borough Beaver County | SWRO |
| PAG036318 | PAG-03 NPDES General Permit for Industrial Stormwater | Amendment | Heidelberg Mat'ls Ne fka Hanson Aggregates PA 2200 Springfield Pike Connellsville, PA 15425-6412 | Somerset Township Washington County | SWRO |
| PAG036319 | PAG-03 NPDES General Permit for Industrial Stormwater | Amendment | Heidelberg Mat'ls Ne fka Hanson Aggregates PA 2200 Springfield Pike Connellsville, PA 15425-6412 | Hempfield Township Westmoreland County | SWRO |
| PAG036322 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Chelsea Bldg Products Inc. 565 Cedar Way Oakmont, PA 15139-2049 | Oakmont Borough Allegheny County | SWRO |
| PAR230062 | PAG-03 NPDES General Permit for Industrial Stormwater | Transfer | Veolia WTS USA Inc. 4636 Somerton Road Trevose, PA 19053 | Bensalem Township Bucks County | SERO |
| PAG044962 | PAG-04 NPDES General Permit for Small Flow Treatment Facilities | Transfer | Bryan & Henrietta Columbus 2944 Egypt Road Woodland, PA 16881-8822 | Bradford Township Clearfield County | NCRO |
| PAG123577 | PAG-12 NPDES General Permit for CAFOs | Amendment | Tuscarora Farms LLC P.O. Box 154 Roxbury, PA 17251-0154 | Metal Township Franklin 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> |
|---------------------------|---|-------------------------|--|--|-------------------|
| PAG134826 | PAG-13 NPDES General Permit for MS4s | Renewal | Orangeville Borough Columbia County P.O. Box 176 Orangeville, PA 17859-0176 | Orangeville Borough Columbia County | NCRO |
| 0423401 | Single Residence Sewage Treatment Plant Individual WQM Permit | New | McConnell Richard H 138 School Road Aliquippa, PA 15001-5934 | Independence Township Beaver County | SWRO |
| 1792403 | Single Residence Sewage Treatment Plant Individual WQM Permit | Transfer | Bryan & Henrietta Columbus 2944 Egypt Road Woodland, PA 16881-8822 | Bradford Township Clearfield County | NCRO |
| PA0229130 | Small Flow Treatment Facility Individual NPDES Permit | Transfer | MJ Rentals Inc. 215 Kenlee Drive Suite 1 Bellefonte, PA 16823-2806 | Liberty Township Centre County | NCRO |
| 1407403 | Small Flow Treatment Facility Individual WQM Permit | Transfer | MJ Rentals Inc. 215 Kenlee Drive Suite 1 Bellefonte, PA 16823-2806 | Liberty Township Centre County | NCRO |

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northcentral Regional Office

PA0027049, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113. Facility Name: WSA West Plant. This existing facility is located in City of Williamsport, **Lycoming County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.92 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | | <i>Concentrations (mg/L)</i> | | |
|---|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| Dissolved Oxygen | XXX | XXX | Report | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.49 | XXX | 1.61 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 1,045 | 1,665 | XXX | 32.0 | 51.0 | 64 |
| Biochemical Oxygen Demand (BOD ₅) | Report | Wkly Avg Report | XXX | Report | Wkly Avg XXX | XXX |
| Raw Sewage Influent Total Suspended Solids | 1,405 | 2,090 | XXX | 43.0 | 64.0 | 86 |
| Total Suspended Solids Raw Sewage Influent | Report | Wkly Avg Report | XXX | Report | Wkly Avg XXX | XXX |
| Total Dissolved Solids | Report | Report | XXX | Report | Report | XXX |
| Osmotic Pressure (mOs/kg) | XXX | XXX | XXX | 137 | 214 | 343 |
| Fecal Coliform (No./100 ml) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| May 1 - Sep 30 | XXX | XXX | XXX | Geo Mean 200 | XXX | 1,000 |
| E. Coli (No./100 ml) | XXX | XXX | XXX | Geo Mean XXX | XXX | Report |
| Ammonia-Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| Copper, Total (ug/L) | Report | Report | XXX | Report | Report | XXX |
| Cyanide, Free (ug/L) | Report | Report | XXX | Report | Report | XXX |

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|----------------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Mercury, Total (ug/L) | Report | Report | XXX | Report | Report | XXX |
| Sulfate, Total | Report | Report | XXX | Report | Report | XXX |
| Thallium, Total (ug/L) | Report | Report | XXX | Report | Report | XXX |
| Zinc, Total (ug/L) | Report | Report | XXX | Report | Report | XXX |
| Bromoform (ug/L) | 26.0 | 40.0 | XXX | 794 | 1,222 | 1,985 |
| Chloride | Report | Report | XXX | Report | Report | XXX |
| Bromide | Report | Report | XXX | Report | Report | XXX |
| N-Nitrosodi-N-Propylamine (ug/L) | 0.019 | 0.029 | XXX | 0.38 | 0.89 | 1.42 |

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Monthly</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|----------------------|-----------------------------|---------------|----------------|------------------------------|----------------|-------------------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Ammonia—N | Report | Report | XXX | Report | XXX | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX | XXX |
| Net Total Nitrogen | XXX | 71,597 | XXX | XXX | XXX | XXX |
| Net Total Phosphorus | XXX | 9,546 | XXX | XXX | XXX | XXX |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

Northcentral Regional Office

PA0010553, Industrial, SIC Code 0921, **Pennsylvania Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. Facility Name: Benner Springs Fish Research Station. This existing facility is located in Benner Township, **Centre 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), Spring Creek (HQ-CWF), is located in State Water Plan watershed 9-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.48 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 Suspended Solids (Total Load, lbs) (lbs) | XXX | Report | XXX | XXX | XXX | XXX |
| Total Suspended Solids (Total Load, lbs) (lbs) Effluent Net | XXX | 36,110 Total Annual | XXX | XXX | XXX | XXX |

The proposed effluent limits for Outfall 001 are based on a design flow of 7.48 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|--|-----------------------------|-----------------------|------------------|------------------------------|-----------------------|-------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Daily Min | XXX | 9.0 Daily Max | XXX |
| Dissolved Oxygen | XXX | XXX | 6.0 Daily Min | XXX | XXX | XXX |
| Biochemical Oxygen Demand (BOD ₅) Effluent Net | 197 | 295 | XXX | 5 | 7.5 | 10 |

| <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> | |
| Biochemical Oxygen Demand (BOD ₅) Industrial Influent | XXX | XXX | XXX | Report | Report Avg Mo | XXX |
| Biochemical Oxygen Demand (BOD ₅) | Report | Report | XXX | Report | Report | 10 |
| Total Suspended Solids Effluent Net | 177 | 265 | XXX | 4.5 | 6.7 | XXX |
| Total Suspended Solids Industrial Influent | XXX | XXX | XXX | Report | Report | XXX |
| Total Suspended Solids | Report | Report | XXX | Report | Report | 9 |
| Total Suspended Solids (Total Load, lbs) (lbs) | Report Total Mo | XXX Daily Max | XXX | XXX | XXX Daily Max | XXX |
| Ammonia-Nitrogen | 39 | 78 Daily Max | XXX | 1.0 | 2.0 Daily Max | 2.5 |
| Phosphorus, Dissolved | 11 | 22 Daily Max | XXX | 0.3 | 0.6 Daily Max | 7.5 |
| Formaldehyde | 37 | 74 Daily Max | XXX | 0.95 | 1.8 Daily Max | 2.3 |

The proposed effluent limits for Outfall 002 are based on a design flow of .576 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 | 9.0 | XXX |
| Dissolved Oxygen | XXX | XXX | Daily Min 6.0 | XXX | XXX | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Effluent Net | 8 | 16 | Daily Min XXX | 5.0 | 7.5 | 10 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 8 | 16 | XXX | 5.0 | 7.5 | 10 |
| Biochemical Oxygen Demand (BOD ₅) | Report | Report | XXX | Report | Report | 10 |
| Total Suspended Solids Effluent Net | 7.2 | 14.4 Wkly Avg | XXX | 4.5 | 6.7 | 9 |
| Total Suspended Solids | 9.5 | 19 | XXX | 6.0 | 9.0 | 12 |
| Ammonia-Nitrogen | 1.6 | 3.2 | XXX | 1.0 | 2.0 | 2.5 |
| Phosphorus, Dissolved | 0.48 | 0.96 | XXX | 0.3 | 0.6 | 7.5 |
| Formaldehyde | 1.5 | 3 | XXX | 0.95 | 1.8 | 2.3 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Northwest Regional Office

PA0101478, Sewage, SIC Code 4952, **SNPJ**, 270 Martin Road, Enon Valley, PA 16120-4614. Facility Name: SNPJ Recreation Center. This existing facility is located in North Beaver Township, **Lawrence County**.

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

The receiving stream is an Unnamed Tributary to Sugar Creek, located in State Water Plan watershed 20-B and classified for High Quality Waters—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 .04 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|----------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| | | | Inst Min | | | |

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|------------------|-----------------------|---------|--------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Dissolved Oxygen | XXX | XXX | 5.0 Daily Min | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.14 | XXX | 0.22 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | | | | | | |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 25 | XXX | 50 |
| May 1 - Oct 31 | XXX | XXX | XXX | 20 | XXX | 40 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (No./100 ml) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 4.5 | XXX | 9 |
| May 1 - Oct 31 | XXX | XXX | XXX | 3.0 | XXX | 6 |
| Total Phosphorus | XXX | XXX | XXX | Report | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0264636, Sewage, SIC Code 4952, 8800, **Gerald Hughes**, 312 Steiner Bridge Road, Valencia, PA 16059-2934. Facility Name: Gerald Hughes SRSTP. This existing facility is located in Middlesex Township, **Butler County**.

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

The receiving stream is an Unnamed Tributary to Glade Run, located in State Water Plan watershed 20-C and classified for Warm 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 0.0004 MGD.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|-----------------|-----------------------|---------|------|
| | Average Monthly | Average Weekly | | Annual Average | Maximum | |
| Flow (GPD) | Report Annl Avg | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 20 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0291366, Sewage, SIC Code 8800, **Mary Ann Dalessio**, 18020 Tryonville Street, Centerville, PA 16404-1138. Facility Name: Mary Ann Dalessio SRSTP. This proposed facility is located in Centerville Borough, **Crawford 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 Oil Creek (CWF), is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0292761, Sewage, SIC Code 8800, **Theodore Henderson**, 83 Koncar Road, Pulaski, PA 16143-1317. Facility Name: Theodore Henderson SRSTP. This proposed facility is located in Shenango Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Buchanan Run (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 .0004 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Annual Average</i> | <i>Maximum</i> | |
| Flow (GPD) | Report Annl Avg | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6 Inst Min | XXX | XXX | 9 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0292788, Sewage, SIC Code 8800, **Laura & Stephen Jenks**, 9500 Fry Road, McKean, PA 16426-1707. Facility Name: Laura & Stephen Jenks SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Annual Average</i> | <i>Maximum</i> | |
| Flow (GPD) | Report Annl Avg | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6 Inst Min | XXX | XXX | 9 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0292869, Sewage, SIC Code 8800, **Barbara & Charles Curtis**, 11330 Route 18, Albion, PA 16401-9536. Facility Name: Barbara & Charles Curtis SRSTP. This proposed facility is located in Conneaut Township, **Erie County**.

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

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

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

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | Annl Avg XXX | XXX | 6 Inst Min | XXX | XXX | 9 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0223026, Industrial, SIC Code 4941, **Saint Petersburg Borough Municipal Water Authority**, P.O. Box 235, Saint Petersburg, PA 16054-0235. Facility Name: St. Petersburg Borough WTP. This existing facility is located in Richland Township, **Clarion County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0109 MGD.—Interim Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.7 | XXX | 1.7 |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0109 MGD.—Final Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.0 |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0109 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 Inst Min | XXX | XXX | 9.0 |
| Total Suspended Solids | Report | Report | XXX | 30 | 60 | 75 |
| Aluminum, Total | 0.058 | 0.13 | XXX | 0.93 | 1.45 | 2.33 |
| Chromium, Hexavalent | XXX | Report | XXX | XXX | Report | XXX |
| Iron, Total | Report | Report | XXX | 2.0 | 3.45 | 5 |
| Manganese, Total | Report | Report | XXX | 1.0 | 2.0 | 2.5 |
| Cobalt, Total | XXX | Report | XXX | XXX | Report | XXX |
| Copper, Total | XXX | Report | XXX | XXX | Report | XXX |

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

- TRC Compliance Schedule

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

PA0266515, Sewage, SIC Code 8800, **Russell J Mason Jr & Kathryn L Mason**, 211 Capitol Hill Road, Dillsburg, PA 17019-9743. Facility Name: Mason Res. This existing facility is located in Franklin Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to North Branch Bermudian Creek (WWF, MF), is located in State Water Plan watershed 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 .0006 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|-------------------|-----------------------|---------|------|
| | Average Monthly | Average Weekly | Minimum | Average Monthly | Maximum | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | Min Mo Avg 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 |
| | | | | Geo Mean | | |

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

The EPA Waiver is in effect.

Southcentral Regional Office

PAI133526, MS4, **Middlesex Township, Cumberland County**, 350 N Middlesex Road, Carlisle, PA 17013-8422.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Middlesex Township, **Cumberland County**. The receiving stream(s), Letort Spring Run (HQ-CWF, MF), Unnamed Tributary to Hogestown Run (CWF, MF), Unnamed Tributary to Wertz Run (WWF, MF), Wertz Run (WWF, MF), Hogestown Run (CWF, MF), Spring Run (WWF, MF), Unnamed Tributary to Conodoguinet Creek (WWF, MF), Unnamed Tributary to Letort Spring Run (HQ-CWF, MF), and Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes, Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a Small MS4.

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

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

Southwest Regional Office

PA0093335, Sewage, SIC Code 4952, **Louis V & Ilona M Yenich**, 105 Hutchinson Road, Apt 1, West Newton, PA 15089-3063. Facility Name: 770 W Newton Rd STP. This existing facility is located in Sewickley Township, **Westmoreland 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 Sewickley Creek (WWF), is located in State Water Plan watershed 19-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 .0008 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|-----------------|-----------------------|---------|--------|
| | Average Monthly | Average Weekly | Minimum | Annual Average | Maximum | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | Annl Avg XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | Inst Min XXX | Report | XXX | Report |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |

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

PA0096521, Sewage, SIC Code 4952, **PA DCNR**, P.O. Box 105, Ohiopyle, PA 15470-0105. Facility Name: Boaters Change House STP. This existing facility is located in Stewart Township, **Fayette 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), Meadow Run (HQ-CWF), is located in State Water Plan watershed 19-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (MGD) | 0.01 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| May 1 - Sep 30 | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Dissolved Oxygen | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | 4.0 Inst Min | XXX | XXX | XXX |
| May 1 - Sep 30 | XXX | XXX | 4.0 Inst Min | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| May 1 - Sep 30 | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 15.0 | XXX | 30.0 |
| Biochemical Oxygen Demand (BOD ₅) | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | | | | | | |
| Total Suspended Solids | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | | | | | | |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Fecal Coliform (No./100 ml) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Ammonia-Nitrogen | | | | | | |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 4.5 | XXX | 9.0 |
| May 1 - Oct 31 | XXX | XXX | XXX | 1.5 | XXX | 3.0 |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Total Nitrogen | XXX | XXX | XXX | XXX | Report Daily Max | XXX |
| Total Phosphorus | XXX | XXX | XXX | XXX | Report Daily Max | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southwest Regional Office

PA0284921 A-2, SIC Code 8800, **Jason Sherry**, 850 Loyal Way, Pittsburgh, PA 15210-1653. Facility Name: Sherry Properties SRSTP. This existing facility is located in Smith Township, **Washington County**.

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

The receiving stream(s), Burgetts Fork (WWF), is located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southwest Regional Office

PA0284947, Sewage, SIC Code 8800, **Trisha Woroszylo**, 221 Silver Spring Lane, New Brighton, PA 15066-3585. Facility Name: Woroszylo Properties SRSTP. This proposed facility is located in Daugherty Township, **Beaver 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), Tributary 33993 of Blockhouse Run (WWF), is located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southwest Regional Office

PA0004979, Industrial, SIC Code 2821, **Neville Chemicals Co.**, 2800 Neville Road, Pittsburgh, PA 15225-1496. Facility Name: Neville Chemicals Co. This existing facility is located in Neville Township, **Allegheny County**.

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

The receiving stream(s), Ohio River and Ohio River (WWF), is located in State Water Plan watershed—and 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.037 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Instant. 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 |
| Temperature (°F) | XXX | XXX | XXX | XXX | 110.0 | XXX |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Instant. 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 |
| Oil and Grease | XXX | XXX | XXX | 15.0 | 30.0 | XXX |

The proposed effluent limits for Outfall 005 are based on a design flow of 1.01 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|------------------------|-----------------------------|----------------------|-------------------------|------------------------------|----------------------|-------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | 1.01 | 2.02 | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | 60.0 | XXX |
| Oil and Grease | XXX | XXX | XXX | 15.0 | 30.0 | XXX |
| Ethylbenzene | XXX | XXX | XXX | Report | Report | XXX |
| Benzene | XXX | XXX | XXX | 0.146 | 0.292 | XXX |
| Naphthalene | XXX | XXX | XXX | Report | Report | XXX |
| Toluene | XXX | XXX | XXX | Report | Report | XXX |
| Xylenes, Total | XXX | XXX | XXX | Report | Report | XXX |

The proposed effluent limits for Outfall 101 are based on a design flow of 0.157 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|----------------------|-------------------------|------------------------------|----------------------|-------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 26.0 | 69.0 | XXX |
| Total Suspended Solids | XXX | XXX | XXX | 42.0 | 135.0 | XXX |
| Fluoride, Total | 1,273.00 | 1,651.00 | XXX | Report | Report | XXX |
| Fluoroborates | Report | Report | XXX | Report | Report | XXX |

The proposed effluent limits for Outfall 101 are based on a design flow of 2.1 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------|
| | <i>Average Quarterly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Quarterly</i> | <i>Daily Maximum</i> | |
| Chromium, Total | 0.519 | 1.294 | XXX | 0.396 | 0.988 | XXX |
| Copper, Total | 0.678 | 1.580 | XXX | 0.517 | 1.201 | XXX |
| Cyanide, Total | 0.196 | 0.561 | XXX | 0.150 | 0.428 | XXX |
| Lead, Total | 0.150 | 0.322 | XXX | 0.114 | 0.246 | XXX |
| Nickel, Total | 0.790 | 1.860 | XXX | 0.603 | 1.420 | XXX |
| Zinc, Total | 0.491 | 1.220 | XXX | 0.375 | 0.931 | XXX |
| 2-Chlorophenol | 0.014 | 0.046 | XXX | 0.011 | 0.035 | XXX |
| 2,4-Dichlorophenol | 0.052 | 0.018 | XXX | 0.014 | 0.040 | XXX |
| 2,4-Dimethylphenol | 0.008 | 0.017 | XXX | 0.006 | 0.013 | XXX |
| Fluorene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| 2,4-Dinitrophenol | 0.033 | 0.057 | XXX | 0.025 | 0.044 | XXX |
| 2,4-Dinitrotoluene | 0.053 | 0.133 | XXX | 0.040 | 0.102 | XXX |
| 2,6-Dinitrotoluene | 0.119 | 0.300 | XXX | 0.091 | 0.229 | XXX |
| 4,6-dinitro-o-cresol | 0.036 | 0.129 | XXX | 0.028 | 0.099 | XXX |
| 2-Nitrophenol | 0.019 | 0.032 | XXX | 0.015 | 0.025 | XXX |
| 4-Nitrophenol | 0.034 | 0.058 | XXX | 0.026 | 0.044 | XXX |
| Phenol | 0.007 | 0.012 | XXX | 0.005 | 0.009 | XXX |
| Acenaphthene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Acenaphthylene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Acrylonitrile | 0.045 | 0.113 | XXX | 0.034 | 0.086 | XXX |
| Anthracene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Chlorobenzene | 0.007 | 0.013 | XXX | 0.005 | 0.010 | XXX |
| 1,2-Dichlorobenzene | 0.036 | 0.076 | XXX | 0.028 | 0.058 | XXX |
| 1,3-Dichlorobenzene | 0.014 | 0.021 | XXX | 0.011 | 0.016 | XXX |
| 1,4-Dichlorobenzene | 0.007 | 0.013 | XXX | 0.005 | 0.010 | XXX |
| 1,3-Dichloropropylene | 0.014 | 0.021 | XXX | 0.010 | 0.016 | XXX |
| 1,2,4-Trichlorobenzene | 0.032 | 0.065 | XXX | 0.024 | 0.050 | XXX |
| Ethylbenzene | 0.015 | 0.050 | XXX | 0.011 | 0.038 | XXX |
| Hexachlorobenzene | 0.007 | 0.013 | XXX | 0.005 | 0.010 | XXX |
| Nitrobenzene | 0.013 | 0.032 | XXX | 0.010 | 0.024 | XXX |
| Benzene | 0.017 | 0.064 | XXX | 0.013 | 0.048 | XXX |
| Benzo(a)Anthracene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Benzo(a)Pyrene | 0.011 | 0.029 | XXX | 0.008 | 0.022 | XXX |
| Benzo(k)Fluoranthene | 0.010 | 0.028 | XXX | 0.008 | 0.028 | XXX |
| 3,4-Benzofluoranthene | 0.011 | 0.029 | XXX | 0.008 | 0.022 | XXX |
| Carbon Tetrachloride | 0.008 | 0.018 | XXX | 0.006 | 0.014 | XXX |
| Chloroethane | 0.049 | 0.125 | XXX | 0.037 | 0.096 | XXX |
| 1,1,1-Trichloroethane | 0.010 | 0.025 | XXX | 0.008 | 0.019 | XXX |

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-----------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------|
| | <i>Average Quarterly</i> | <i>Daily Maximum</i> | | <i>Average Quarterly</i> | <i>Daily Maximum</i> | |
| 1,1,2-Trichloroethane | 0.010 | 0.025 | XXX | 0.008 | 0.019 | XXX |
| 1,1-Dichloroethane | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| 1,2-Dichloroethane | 0.032 | 0.099 | XXX | 0.024 | 0.075 | XXX |
| 1,2-Dichloropropane | 0.071 | 0.107 | XXX | 0.055 | 0.082 | XXX |
| Bis(2-Ethylhexyl) Phthalate | 0.048 | 0.130 | XXX | 0.037 | 0.100 | XXX |
| Chloroform | 0.010 | 0.021 | XXX | 0.008 | 0.016 | XXX |
| Chrysene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Diethyl Phthalate | 0.038 | 0.095 | XXX | 0.029 | 0.072 | XXX |
| Dimethyl Phthalate | 0.009 | 0.022 | XXX | 0.007 | 0.017 | XXX |
| Di-n-Butyl Phthalate | 0.013 | 0.027 | XXX | 0.010 | 0.020 | XXX |
| Fluoranthene | 0.012 | 0.032 | XXX | 0.009 | 0.024 | XXX |
| Hexachlorobutadiene | 0.009 | 0.023 | XXX | 0.007 | 0.018 | XXX |
| Hexachloroethane | 0.010 | 0.025 | XXX | 0.008 | 0.019 | XXX |
| Methyl Chloride | 0.040 | 0.089 | XXX | 0.031 | 0.068 | XXX |
| Methylene Chloride | 0.019 | 0.042 | XXX | 0.014 | 0.032 | XXX |
| Naphthalene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Phenanthrene | 0.010 | 0.028 | XXX | 0.008 | 0.021 | XXX |
| Pyrene | 0.012 | 0.031 | XXX | 0.009 | 0.024 | XXX |
| 1,1-Dichloroethylene | 0.007 | 0.012 | XXX | 0.006 | 0.009 | XXX |
| trans-1,2-Dichloroethylene | 0.010 | 0.025 | XXX | 0.008 | 0.019 | XXX |
| Tetrachloroethylene | 0.010 | 0.026 | XXX | 0.008 | 0.020 | XXX |
| Toluene | 0.012 | 0.037 | XXX | 0.009 | 0.028 | XXX |
| Trichloroethylene | 0.010 | 0.025 | XXX | 0.008 | 0.019 | XXX |
| Vinyl Chloride | 0.049 | 0.125 | XXX | 0.037 | 0.096 | XXX |
| Total Boron | 268.0 | 318.0 | XXX | Report | Report | XXX |
| Average Mo | | | | | | |

The proposed effluent limits for Outfall 201 are based on a design flow of 2.1 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Instant. Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------|-----------------------------|----------------------|-------------------------|------------------------------|----------------------|-------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Quarterly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Temperature (°F) | XXX | XXX | XXX | XXX | 110.0 | XXX |
| Chlorobenzene | XXX | XXX | XXX | Report | Report | XXX |
| Ethylbenzene | XXX | XXX | XXX | Report | Report | XXX |
| Benzene | XXX | XXX | XXX | Report | Report | XXX |
| Naphthalene | XXX | XXX | XXX | Report | Report | XXX |
| Styrene | XXX | XXX | XXX | Report | Report | XXX |
| Toluene | XXX | XXX | XXX | Report | Report | XXX |
| Xylenes, Total | XXX | XXX | XXX | Report | Report | XXX |
| Vinyl Chloride | XXX | XXX | XXX | Report | Report | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

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

| <i>Application Number</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|---------------------------|-------------------------|---|--|---------------|
| PAD310012 | New | Cabinetworks Group Michigan LLC 11823 Lenape Drive Mt. Union, PA 17066 | Shirley Township Huntingdon County | SCRO |
| PAD670074 | New | Shrewsbury Commons Joint Venture 1148 East Forrest Avenue New Freedom, PA 17349 | Shrewsbury Township York County | SCRO |
| PAD150290 | New | Upwards Investments, LLC 5064 Horseshoe Pike Honey Brook, PA 19344 | Honey Brook Township Chester County | SERO |

| <i>Application Number</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|---------------------------|-------------------------|---|--|---------------|
| PAD450175 | New | Marshall and Company Holdings, LLC 348 Bethel School Road Honesdale, PA 18431 | Pocono Township Monroe County | NERO |
| PAD060076 | New | Maiden Creek Associates L.P. Route 222 & Evansville Road Blandon, PA 19510-9454 | Maidencreek Township Berks County | SCRO |
| PAD060078 | New | PA DCNR—Bureau of State Parks 843 Park Road Elverson, PA 19520-9523 | Union Township Berks County | SCRO |
| PAD180028 A-1 | Major Amendment | Clinton County Commissioners 2 Piper Way Lock Haven, PA 17745 | Chapman Township Noyes Township Renovo Borough Clinton County | NCRO |
| PAD130008 | Renewal | Jacob Arner of Awesome View Properties, Inc. P.O. Box 600 Lehighton, PA 18235 | Mahoning Township Carbon County | NERO |
| PAD480186 | New | SPG Farms, LLC Phil Ronca 600 Creamery Road Nazareth, PA 18064 | Bushkill Township Northampton County | NERO |
| PAD060072 | New | Colebrookdale Village 55+, LLC Route 73 and Funk Road Boyertown, PA 19512 | Colebrookdale Township Berks County Receiving Waters - UNT Ironstone Creek and EV Wetlands | SCRO |
| PAD640006 | Renewal | Thomas Renehan 26 Long Lane Malvern, PA 19355 | Manchester Township Wayne County | NERO |
| PAD480184 | New | Grand Central Sanitary Landfill, Inc. Joe Statile 1000 New Ford Mill Road Morrisville, PA 19067-3704 | Plainfield Township Northampton County | NERO |

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

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

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/ New</i> |
|---|----------------------|--------------------|--------------------------------|--------------------------------------|---|---------------------|
| J&L Groff Farms, LLC 2906 Dettinger Road Brogue, PA 17309 | York County | 3.5 | 469.11 | Broilers | NA | Renewal |
| Springbrook Farm, LLC 4655 Barr Road Huntingdon, PA 16652 | Huntingdon County | 175.4 | 773.10 | Swine, Beef, Layer Chickens | NA | Renewal |

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30-days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (DEP) the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

Application(s) Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

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

Application No. 6723502, Construction, Public Water Supply.

| | |
|--------------|--------------------------------------|
| Applicant | ATG Properties, LLC |
| Address | P.O. Box 677 Morgantown, PA 19543 |
| Municipality | Hellam Township |

| | |
|----------------------|---|
| County | York County |
| Responsible Official | James Perano, COO P.O. Box 677 Morgantown, PA 19543 |
| Consulting Engineer | James A. Cieri, P.E. Professional Engineer, LLC 914 N. Mountain Road Harrisburg, PA 17112 |
| Application Received | February 2, 2023 |
| Description | Construction permit application for proposed installation of Greensand Filters to treat for iron and manganese, as well as Granular Activated Carbon filters to treat for PCE/TCE at the Brookhaven Mobile Home Park. |

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 identi-

fied 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.

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.

Lion Auto Service, Inc., Primary Facility ID # **857804**, 781 Delta Road, Red Lion, PA 17356, Windsor Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Lion Auto Service, Inc., 781 Delta Road, Red Lion, PA 17356, submitted a Notice of Intent to Remediate soil contaminated with No. 2 Fuel Oil. The site will be remediated to the site-specific standard. Future use of the site will continue to be nonresidential. The Notice of Intent to Remediate was published in *York Daily Record* on March 1, 2022. Application received: March 11, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL 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 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.

WMGM019SW001. Wood Waste Recycling, LLC, 111 Kelso Road, McDonald, PA 15057, North Fayette

Township, **Allegheny County**. The Department of Environmental Protection (Department) received a permit renewal application for renewed coverage under municipal waste general permit WMGM019SW001 for the processing and beneficial use of waste concrete and asphalt, wood waste, soil, and leaf and yard waste for use as construction material, topsoil, mulch, and compost at the Wood Waste Recycling Kelso Road Facility located at 111 Kelso Road, McDonald, PA 15057. Application received: January 26, 2023. Deemed administratively complete: February 9, 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 MUNICIPAL 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 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.

WMGM015SW001. Superior Mulch LLC, P.O. Box 201, Connellsville, PA 15425, Connellsville Township and South Connellsville Borough, **Fayette County**. The Department of Environmental Protection received a permit renewal application for continued coverage under general permit number WMGM015SW001 for the processing of wood, timber, leaf, and yard waste for beneficial use as mulch and compost. Application received: October 6, 2022. Deemed administratively complete: February 10, 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.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Clean Harbors Environmental Services, Inc., P.O. Box 9149, Norwell, MA 02061. **License No. PA-AH 0312.** Accepted: January 10, 2023.

The PennOhio Corporation, 4813 Woodman Avenue, Ashtabula, OH 44004. **License No. PA-AH 0618**. Accepted: February 2, 2023.

Ecology Services, Inc., 9135 Guilford Road, Columbia, MD 21046. **License No. PA-AH 0789**. Accepted: February 2, 2023.

**REGULATED MEDICAL AND
CHEMOTHERAPEUTIC WASTE TRANSPORTER
LICENSE**

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and Regulations to Transport Regulated Medical and Chemotherapeutic Waste License.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

BioYork, LLC, 1444 East Lackawanna Avenue, Olyphant, PA 18447. **License No. PA-HC 0265**. Accepted: February 2, 2023.

Choice MedWaste, LLC, P.O. Box 1443, Hockessin, DE 19707. **License No. PA-HC 0266**. Accepted: February 2, 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

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.

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

Contact: Raymond Kempa, Environmental Group Manager, 570.826.2511.

13-00003A: Panther Creek Power Operating LLC, 4 Dennison Road, Nesquehoning, PA 18240, Nesquehoning Borough, **Carbon County**. Application received: November 2, 2016.

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 Plan Approval # 13-00003A, to Panther Creek Power OPR LLC, 4 Dennison Road, Nesquehoning, PA 18240 for their facility located in Nesquehoning Borough, Carbon County. This plan approval will be incorporated into the Title V operating permit # 13-00003 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*. Plan approval # 13-00003A is for the approval of Plant-Wide Applicability Limits (PALs) in accordance with the requirements of 25 Pa. Code § 127.218 and 40 CFR 51.21 for the criteria pollutants from the facility. Panther Creek submitted the application to establish PALs for regulated NSR pollutants.

The pollutants included PM, PM₁₀, PM_{2.5}, SO₂, NO_x, CO, Pb, Fluorides minus hydrogen fluoride (HF), sulfuric

acid (H₂SO₄), and greenhouse gases (GHGs). There are no physical modifications or changes in the method of operation that are specifically associated with or proposed in this PAL application. The company has applied to the Department to obtain PAL limits for the criteria pollutants for the following sources operating at the facility:

| Source ID | Source |
|-----------|---|
| 031 | PYROPOWER UNIT 1 |
| 032 | PYROPOWER UNIT 2 |
| DFP | DIESEL FIRE PUMP |
| ALS | ASH LOADING SYSTEM |
| ASL | ASH SILO |
| BAC | BOTTOM ASH CONVEYOR |
| CC | CULM CRUSHER |
| CT | COOLING TOWER |
| FFS1 | FLY ASH FILTER SEPARATOR # 1 |
| FFS2 | FLY ASH FILTER SEPARATOR # 2 |
| FS | FUEL SILO/REVERSING CONVEYOR |
| FTD | FUEL TRUCK DUMP/ RECLAIM HOPPER |
| FTR | FUEL TRUCK UNLOADING |
| LBN | LIME BIN |
| LSB | LIMESTONE BIN |
| PKH | PORTABLE KEROSENE HEATERS |
| RDW | ROADWAYS |
| SAB | SODA ASH BIN |
| SP1 | DAILY USE COAL REFUSE STORAGE PILE |
| SP2 | STRATEGIC RESERVE COAL REFUSE STORAGE PILE |

Pursuant to the requirements of 25 Pa. Code § 127.218 and 40 CFR 52.21(aa) the following Plantwide Applicability Limits (PAL) are established for emissions of pollutants from sources at the facility.

| Pollutants | Proposed PSD PAL, TPY |
|---------------------------------|-----------------------|
| PM Filterable | 113.81 |
| PM ₁₀ Filt+Conde | 86.12 |
| PM _{2.5} Filt+Conde | 35.55 |
| SO ₂ | 603.65 |
| NO _x | 586.85 |
| CO | 381.05 |
| Fluorides (Not Including HF) | 3.0 |
| H ₂ SO ₄ | 15.15 |
| PB | 0.03 |
| CO ₂ e | 1,116,217.64 |

The facility is not subject to the Prevention of Significant Deterioration (PSD) requirements of 25 Pa. Code Chapter 127, Subchapter D & new source review (NSR) requirements of 25 Pa. Code Chapter 127, Subchapter E so long as the permittee complies with the previously listed emission limitations from the facility and conditions for the PAL specified in this Plan Approval. Any increase in the previously listed emissions this PAL will subject the facility to the PSD/NSR requirements. The facility must comply with requirements listed in 25 Pa. Code

§ 127.218 and 40 CFR 52.21(aa). In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval. 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. Further details on the conditions and the reasons for their inclusion are available upon request. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701. Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph.

The submittal of written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 13-00003A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone number 570-826-2511 within 30 days after publication date.

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

Contact: Dave Balog, New Source Review Chief, 814-332-6328.

24-00012M: GrafTech USA, LLC, 800 Theresia Street, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Application received: October 28, 2022.

The Department intends to issue the following plan approval for the proposed reactivation of Source 105—Coal Unloading; Source 106—Storage, Preheaters, Screeners, Crushing; Source 107—Petroleum Coke Flour Mill; Source 108—Pitch Impregnation; Source 109—Mixer, Feeder, Scale; Source 138—48" Extrusion Press System; Source 151—Burn Off Oven; Source 162—Liquid Pitch Storage (PI) & Distribution; Source 163—Air/Vegetable Oil Quench System; Source 165—Pitch Storage (2) Plant 3; Source 179—Coke Handling; Source 197—Sagger Sand Handling System; and existing Source 158 will have a new baghouse installed, C158A.

This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to

plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the sources including, but are not limited to, the following:

- No person may permit the emission into the outdoor atmosphere of particulate matter from this process in a manner that the concentration of particulate matter in the effluent gas exceeds 0.04 grain per dry standard cubic foot, when the effluent gas volume is less than 150,000 dry standard cubic feet per minute from Sources 105, Source 108, Source 138 and Source 179.

- The permittee shall maintain the emission of particulate matter from this source not more than 0.02 grain per dry standard cubic feet (gr/dscf) from Sources 106, 107, 158 and 197.

- The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, any routine maintenance performed and the pressure drop across the control device for Sources 105, 108, 138, 158 and 179.

- The permittee shall permanently install and maintain magnehelic gauge or equivalent in good operating condition. The permittee shall maintain a minimum of 12 replacement bags onsite at all times. The permittee shall maintain the pressure drop across the baghouse shall not exceed 1" to 7.5" w.g. during all periods of operation—Source 106.

- The permittee shall maintain a minimum of two replacement bags for the Micropul baghouse onsite at all times. Magnehelic gauges or equivalent shall be permanently installed and maintained in good operating condition on all baghouses—Source 107.

- No person may permit the emission into the outdoor atmosphere of sulfur oxides from a source in a manner that the concentration of the sulfur oxides, expressed as SO₂, in the effluent gas exceeds 500 parts per million, by volume, dry basis—Sources 108 and 151.

- The permittee shall use only natural gas as a fuel for this source—Sources 108 and 151.

- For Source 151, the permittee shall maintain the emissions of Nitrogen Oxide (NO_x) not to exceed 29.8 pounds per hour or 59.6 tons per year based on consecutive 12-month period.

The permittee shall maintain the emission of Carbon Monoxide (CO) not to exceed 22.2 pounds per hour or 44.4 tons per year based consecutive 12-month period.

- The permittee shall maintain the emission of Sulfur Oxides (SO_x) not to exceed 23.4 pounds per hour or 46.8 tons per year based on consecutive 12-month period.

- The permittee shall maintain the emission of Volatile Organic Compounds (VOC) not to exceed 0.5 pound per hour or 1 ton per year based on consecutive 12-month period.

- The permittee shall maintain the emission of particulate matter not to exceed 1.3 pounds per hour or 2.6 tons per year based on consecutive 12-month period from this source.

- The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, any routine maintenance performed, and monitoring and recordkeeping of afterburner temperature—Source 151.

- The permittee shall maintain a record of emission for Sulfur Oxides (SO_x), Nitrogen Oxides (NO_x), Carbon Monoxide (CO), Volatile Organic Compound (VOC), Particulate Matter (PM) in tons per year based on a consecutive 12-month period. The present month emissions will be added with the previous 11-month period to get the consecutive 12-month period—Source 151.

- The permittee shall perform a weekly preventive maintenance inspection of the control device. The permittee shall replace a portion of the granules from the control device regular basis and change the entire granular bed as required. The permittee shall maintain a gauge to monitor the charge in the bed of the electrified filter bed. The permittee shall maintain and operate this source and the electrified filter bed in accordance with the manufacturer's specifications. The air-cooling chamber shall be controlled by EFB, or equivalent control device, during all periods of operation—Source 108.

- Within twelve (12) to eighteen (18) months prior to the expiration of the facility operating permit, a stack test shall be performed in accordance with the provisions in part (a). The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted for FPM (using Method 5 or another Department approved method) at the outlet of the baghouse (C197A)—Source 197.

- Compliance Assurance Monitoring ("CAM")—Plan Approval contains CAM conditions in Source Group 11—for Source 151, Source Group 12—for Sources 106, 107, 138, 179 and 197, Source Group 3—for Source 108, and Source Group 8—for Source 109.

- For Source 109—The gas retention time shall be maintained at minimum 0.5 second during all periods of operation. The VOC emissions from this source shall not exceed 20 milligrams per cubic meter. The following conditions are related to CAM rule: (c) The permittee shall develop and implement a quality improvement plan (QIP) as expeditiously as practicable if any of the following occurs:

- (1) For properly and accurately collected data, accumulated excursions exceed two percent (2%) of the data for RTO's inside temperature. For properly and accurately collected data, accumulated excursions exceed two percent (2%) of the data for the Scrubbers (C109A) pressure drop.

- (2) Six excursions occur in a six-month reporting period.

- (3) The Department determines after review of all reported information that the permittee has not responded acceptably to an excursion.

In general, the QIP plan should be developed within 60 days and the permittee shall provide a copy of QIP to the Department. Furthermore, the permittee shall notify the Department if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

The permittee shall record actions taken to implement a QIP during a reporting period and all related actions including, but not limited to inspections, repairs and maintenance performed on the monitoring equipment.

In accordance with 40 CFR 64.8, the QIP shall include procedures for evaluating the control performance problems. Based on the results of the evaluation procedures, the permittee shall modify the QIP, and provide a copy to

the Department, to include procedures for conducting more frequent or improved monitoring in connection with one or more of the following:

- Improved preventive maintenance practices.
- Process operation changes.
- Appropriate improvements to control methods.
- Other steps appropriate to correct performances.
- Following implementation of a QIP, the Department will require reasonable revisions to the QIP if the plan has failed to either:
 - Address the cause of the control device performance problem.
 - Provide adequate procedures for correcting control device performance problems in as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
 - Implementation of a QIP, shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under any Federal, state, or local laws or any other applicable requirements under the Clean Air Act. Within 180 days after issuance of this plan approval, a stack test shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted for particulate matter and to determine the overall post-control VOC emissions for Source 109, at the outlet of the RTO (C109).

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [24-00012M] 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421—127.431 for State Only Operating Permits or §§ 127.521—127.524 for Title V operating permits.

24-00131X: SGL Carbon LLC, 900 Theresia Street, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Application received: August 8, 2022. The Department of Environmental Protection intends to issue a plan approval to SGL Carbon LLC for the installation and initial operation of 18 new furnaces and 2 scrubber control devices. This is an existing non-Title V facility. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. The proposed furnaces will bake newly formed carbon parts into purified graphite parts. This process will generate particulate matter emissions and chlorine emissions. Emissions from the process will be controlled by two scrubber systems. Emissions of HCl, a Hazardous Air Pollutant, generated from the source are estimated to be less than 0.24 ton per year. PM emissions generated from the source are estimated to be less than 6.80 tons per year. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940. In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments.

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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [24-131X: SGL Carbon LLC] 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 Eric Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone number (814) 332-6819. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

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.

21-05067B: Carlisle Construction Materials, LLC, 1295 Ritner Hwy, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. Application received: August 18, 2022. For the installation of an adhesive application line at the facility. The line will consist of a solvent-based adhesive booth, primer booth, hot-melt adhesive booth, 3-zone dryer, and regenerative thermal oxidizer (RTO) for control of VOC emissions. Emissions from the proposed line in this project will not cause the facility to exceed 50 tpy VOC. The Department of Environmental Protection's (DEP's) review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, DEP proposes to issue a plan approval for the proposed installation. In addition to the emission limitations, the following is a brief description of the types of conditions DEP intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: stack testing provisions pursuant to 25 Pa. Code Chapter 139 and site-wide emission limitations below major thresholds, along with associated recordkeeping and reporting. The facility is a State-Only facility. If DEP determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-04-00466: NSPC, LLC, P.O. Box 311, Zelenople, PA 16063, New Sewickley Township, **Beaver County**. Application received: September 29, 2022. 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 04-00466 to allow the construction and operation of one (1) Matthews Environmental Solutions IEB-16 natural gas-fired animal crematory incinerator rated at a cremation rate of 100 lbs/hr and maximum charge capacity of 750 lbs. The facility is located at 1630 Route 68, New Brighton, PA 15066 in New Sewickley Township, Beaver County. The proposed project and facility-wide potential to emit will not equal or exceed 1.0 ton of nitrogen oxides (NO_x), 1.0 ton of carbon monoxide (CO), 1.0 ton of particulate matter (PM), 1.0 ton per year of particulate matter less than 10 microns in diameter (PM₁₀), 1.0 ton per year of particulate matter less than 2.5 microns in diameter (PM_{2.5}), 0.5 ton per year of sulfur dioxide (SO₂), 0.5 ton per year of volatile organic compounds, 0.2 ton per year of hazardous air pollutants (HAPs), and 0.01 ton per year of lead. The authorization is subject to State Emission Standards. This Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. Once compliance with the Plan

Approval is demonstrated, the applicant will be required to apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. The Plan Approval Application, the Department's Air Quality Review Memorandum, the proposed Air Quality Plan Approval, and other relevant information for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Trent Greener, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; tgreener@pa.gov; or fax 412.442.4096.

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-26-00603), 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. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Trent A. Greener, Environmental Engineering Specialist, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to tgreener@pa.gov. 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.

63-00995: W.G. Tomko Inc., 2559 PA-88, Finleyville, PA 15332, Union Township, **Washington County**. Application received: April 6, 2022.

For the post-construction permitting of a surface coating booth, an abrasive blasting booth, a glue station, twelve (12) welding stations, a plasma and torch cutting source, parts washers and two (2) waste oil heaters. The Finleyville facility performs HVAC component assembly and oil and gas industry component manufacturing. This facility is in Union Township, Washington County.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 63-00995A to WG Tomko Inc., for the post-construction permitting of a surface coating booth, an abrasive blasting booth, a glue station, twelve (12) welding stations, a plasma and torch cutting source, parts washers and two (2) waste oil heaters, for the facility located in Union Township, Washington County. The Plan Approval will subsequently be incorporated into a facility State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 63-00995A is for the post-construction permitting of a surface coating booth, an abrasive blasting booth, a glue station, twelve (12) welding stations, a plasma and torch cutting source, parts washers and two (2) waste oil heaters. Based on the information provided by the applicant and DEP's own analysis, the subject sources will have the potential to emit approximately 6.3 tons per year (tpy) of volatile organic compounds (VOC), 2.1 tpy of nitrogen oxides (NO_x), 2.5 tpy of hazardous air pollutants (HAPs), 0.003 tpy of sulfur oxides (SO_x) and 3.8 tons per year of particulate matter (PM).

The Plan Approval will contain emission limits, and testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

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 by calling the Department at 412-442-4284.

Any person may submit comments or objections to the plan approval or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office.

A 30-day comment period, from the date of this publication, will exist for the submission of comments, protests, and additional information. In accordance with 25 Pa. Code § 127.46, a protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). Submittal of comments, a written protest, or additional information shall include the name, address and telephone number of the person filing the protest, comments, or additional information, identification of the proposed plan approval issuance being proposed (Plan Approval 63-00995A) and a concise statement of the objections or comments on the plan approval issuance and the relevant facts upon which the objections or comments are based.

Persons wishing to file a written protest, provide comments or additional information which they believe should be considered prior to the issuance of the plan approval or request a public hearing, may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Phone (412) 442-4000.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration, 215-685-9426.

V15-00004, PBF Logistics, 6850 Essington Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Application received: November 20, 2015. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Title V Operating Permit (TVOP) for the operation of a bulk liquid storage and distribution terminal. The facility's air emissions' sources include the following: one (1) 26.2 MMBtu/hr boiler burning natural gas or No. 2 fuel, one (1) 4.72 MMBtu/hr boiler burning natural gas or No. 2 fuel, fourteen (14) storage tanks, each greater than or equal to 40 cubic meters (m³), storing, petroleum/organic materials with vapor pressures (v.p.) of less than or equal to 11.1 psi, five (5) storage tanks, each less than 40,000 gallons, storing petroleum/organic materials, truck and tank loading operations controlled by a vapor recovery unit (VRU) marine loading operations controlled by a vapor incinerator, Fugitive emissions, Tank truck degreasing operations, and One (1) 49 horsepower (hp) air compressor burning diesel fuel. The facility is also accepting the SM limits for HAPs. HAP emissions from the facility shall be less than 10 tons per rolling 12-month period for each individual HAP and HAP emissions shall be less than 25 tons per rolling 12-month period for combined HAPs. Persons wishing to file protest, comments, or request a public hearing on the previously listed TVOP must submit the protest, comments, or public hearing request within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the TVOP or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to DPHAMS_Service_Requests@phila.gov with "PBF Logistics TVOP V15-04" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail.

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

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

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

14-00019, John B. Brown Funeral Home, Inc., 2601 Gateway Dr., Ste. 100, State College, PA 16801, State College Borough, **Centre County**. Application received: October 31, 2022. To issue a renewal of the State Only Operating Permit for the Koch Funeral Home. The facility's main source includes a 0.72 million Btu per hour natural gas/propane-fired All Crematory Corporation Cremator model L-1701 human remains crematory incinerator equipped with a 1.4 million Btu per hour natural gas/propane-fired Eclipse model 936 SIB-H secondary combustion chamber. The facility has potential emissions of 0.76 TPY of CO; 0.91 TPY of NO_x; 0.005 TPY of SO_x; 0.70 TPY of PM/PM₁₀; 0.05 TPY of VOCs; 0.02 TPY HAPs; 1,095 TPY GHGs. The emission limits and work

practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

31-03033, Stone Valley Welding, LLC, 11582 Guyer Road, Huntingdon, PA 16652, Jackson Township, **Huntingdon County**. Application received: June 6, 2022. To issue a State Only Operating Permit for the roll off container manufacturing facility. The actual emissions from the facility in 2021 year are estimated at 14.21 tons of VOC, 1.07 tons of Combined HAPs, and 0.14 ton of PM₁₀. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52—Surface coating processes; 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings; and 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

67-03055, Vulcan Construction Materials, LLC, 322 N. Baker Road, York, PA 17408, West Manchester Township, **York County**. Application received: July 22, 2022. For the permittee's operations at the Baker Quarry. The facility's 2022 emissions were 0.75 ton of PM. This Operating Permit includes emission standards and work practice standards along with monitoring, recordkeeping and reporting requirements designed to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from Federal 40 CFR 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

01-03002, Vulcan Construction Materials, LLC, 875 Oxford Avenue, Hanover, PA 17331, Oxford Township, **Adams County**. Application received: May 16, 2022. For the Hanover Stone Plant. The facility's 2022 emissions were 9.21 tons of PM₁₀. This Operating Permit includes emission standards and work practice standards along with monitoring, recordkeeping and reporting requirements designed to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from Federal 40 CFR 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants, and 40 CFR 63 Subpart JJJJJJ—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

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

06-05001, Adelphi Kitchens, Inc., 300 E Penn Ave, Robesonia, PA 19551, Heidelberg Township, **Berks**

County. Application received: October 25, 2022. To issue a State Only Operating Permit for the wood kitchen cabinet and countertop manufacturing operation. Potential emissions from the facility are estimated to be CO 3.1 tpy, NO_x 3.7 tpy, PM 0.2 tpy, SO_x 0.01 tpy, VOC 37.8 tpy, HAP's 12.0 tpy. The Operating Permit will include 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 surface coating operations include provisions derived from 25 Pa. Code § 129.52 Surface Coating Processes.

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

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

15-00077, Heidelberg Materials Northeast LLC, 499 Quarry Road, Downingtown, PA 19335, East Caln Township, **Chester County**. Application received: February 12, 2022. This action is for the renewal of a non-Title V operating permit for crushing of dolomitic limestone. Existing sources of air emissions include one (1) Stone Crushing Plant composed of a primary, secondary, and tertiary crushers, sorters, and conveyers. Particulate Matter emissions are controlled by a filter, a baghouse, and two wet suppression systems. The controlled potential total PM emissions for the processing plant are 92.54 tons per years and controlled PM₁₀ emissions are 33.22 tons per year. This renewal incorporates a name change from: Hanson Aggregates Pennsylvania, LLC, to Heidelberg Materials Northeast LLC. Also, in this renewal the status of this permit has been changed from Natural Minor to Synthetic Minor. 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-EPSEROAQPCOM@pa.gov.

PLAN APPROVALS

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

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

Contact: Raymond Kempa, New Source Review Chief, 570-826-2507.

40-00151A, American Flooring LLC, 180 Independence Drive, Pittston, PA 18640, Pittston Township, **Luzerne County**. Application received: September 14, 2022.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to American Flooring, LLC for their facility located in Pittston Twp., Luzerne County. Plan Approval No. 45-00151A will be converted into an initial State-Only Operating Permit at a later date.

Plan Approval No. 45-00151A is for the installation and operation of equipment for a new vinyl tile manufacturing facility. Pulse-jet baghouses will control process emissions and meet an emission limit of 0.02 gr/dscf. Hot-melt glue application will be controlled by electrostatic precipitator and carbon adsorption filters. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-00112A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone number 570-826-2511 within 30 days after publication date.

39-00180B, Tierpoint Two LLC, 9999 Hamilton Blvd, Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County**. Application received: October 25, 2022.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Tierpoint Two, LLC for their facility located in Upper Macungie Twp., Lehigh County. Plan Approval No. 39-00180B will be incorporated into their State-Only Operating Permit through administrative amendment at a later date.

Plan Approval No. 39-00180B is for the installation and operation of six existing diesel-fired 2 MW emergency generators. The emergency generators are subject to the requirements of 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-00112A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone number 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating

to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

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

Coal Applications

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

Table 1

| <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.

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. 56170103. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, Shade Township, **Somerset County**. Reclamation only renewal for continued restoration of a bituminous surface mine affecting 12.2 acres. Receiving stream: unnamed tributary to Dark Shade Creek classified for the following use: CWF. Application received: February 7, 2023.

Mining Permit No. 56120109. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, Stonycreek Township, **Somerset County**. Reclamation only renewal for restoration of a bituminous surface mine affecting 127.1 acres. Receiving streams: unnamed tributary to Schrock Run and Schrock Run classified for the following use: CWF. Application received: February 7, 2023.

Mining Permit No. 56120109. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, Stonycreek Township, **Somerset County**. Land Use Change from Woodland to Unmanaged Natural Habitat on a bituminous surface mine affecting 127.1 acres. Receiving streams: unnamed tributary to Schrock Run and Schrock Run classified for the following use: CWF. Application received: February 7, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|-------------------|---------------------------|--------------------------|----------------------------------|
| Iron (Total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |
| Manganese (Total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse

disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

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

Noncoal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

NPDES No. PA0269565. Mining Permit No. 08120305. Bishop Brothers Construction Company, Inc., 1376 Leisure Drive, Towanda, PA 18848, Wysox Township, **Bradford County**. Application received: January 6, 2023.

Renewal of an NPDES permit for discharge of water resulting from surface mining of industrial minerals affecting 25 acres. Receiving stream: Susquehanna River, classified for the following use(s): WWF, MF.

The following outfall discharges to the Susquehanna River:

| <i>Outfall No.</i> | <i>New or Existing</i> | <i>Type</i> | <i>Discharge Rate</i> |
|--------------------|------------------------|--------------------|-----------------------|
| 001 | Existing | Sedimentation pond | Precipitation Induced |

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

| <i>Outfalls: 001 (Discharges during Dry Weather Conditions)</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|-----------------------|----------------------|-------------------------|
| <i>Parameter</i> | | | |
| Total Suspended Solids (mg/L) | 35.0 | 70.0 | 90.0 |
| Flow (gpm) | | Report | |
| pH (S.U.): Must be between 6.0 and 9.0 standard units. | | | |
| <i>Outfalls: 001 (Discharges after ≤10-yr/24-hr Precip. Event)</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| <i>Parameter</i> | | | |
| Total Settleable Solids (mL/L) | N/A | N/A | 0.5 |
| Flow (gpm) | | Report | |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. | | | |
| <i>Outfalls: 001 (Discharges after >10-yr/24-hr Precip. Event)</i> | | | |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. | | | |

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0226238. Mining Permit No. 58140805. Daniel Pompey, 1257 Pennay Hill Road, Kingsley, PA 18826, New Milford Township, **Susquehanna County**. Renew an NPDES permit affecting 6.1 acres. Receiving stream: unnamed tributary to Wellman Creek, classified for the following uses: HQ—CWF, MF. Non-Discharging Best Management Practices will be in effect. Application received: October 21, 2021.

NPDES Permit No. PA0225428. Mining Permit No. 64222501. Leo's 848 Products, LLC, P.O. Box 277, Lake Como, PA 18437, Scott Township, **Wayne County**. Transfer and modification of an NPDES Permit affecting 13.0 acres. Receiving stream: Balls Creek, classified for the following uses: HQ-CWF, MF. Non-Discharging Best Management Practices will be in effect. Application received: June 8, 2022.

NPDES Permit No. PA0225681. Mining Permit No. 7775SM10. Lehigh Cement Co., LLC, 7660 Imperial Way, Allentown, PA 18195, Maiden Creek Township, **Berks County**. Application received: December 21, 2021.

Renew an NPDES Permit affecting 405.0 acres. Receiving stream: Maiden Creek, classified for the following use: WWF. TMDL: Lake Ontelaunee.

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

The following treated wastewater outfalls discharge to Maiden Creek:

| <i>Outfall Number</i> | <i>New or Existing</i> | <i>Type</i> | <i>Discharge Rate (MGD):</i> |
|-----------------------|------------------------|-------------|------------------------------|
| 001 | Existing | TFO | 6.0 |

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

| <i>Parameter (unit)</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant Maximum</i> |
|---|----------------|---------------------------|--------------------------|----------------------------|
| Flow (MGD) | | 6.0 | 12.0 | |
| pH (S.U.) | 6.0 | | | 9.0 |
| Total Suspended Solids (mg/L) | | 35.0 | 70.0 | 90.0 |
| Total Suspended Solids (lbs./day) | | 400.0 | 800.0 | |
| Total Dissolved Solids (mg/L) | | | Monitor and Report | |
| Total Alkalinity (as CaCO ₃) (mg/L) | | | Monitor and Report | |
| Total Acidity (as CaCO ₃) (mg/L) | | | Monitor and Report | |
| Net Alkalinity (mg/L) | 0.0 | | | |
| Total Phosphorous (mg/l) | | | | Report |
| Total Chromium (mg/l) | | | | Report |
| Total Sulfate (mg/L) | | | Monitor and Report | |
| Chloride (mg/L) | | | Monitor and Report | |

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Contact: Pete Geanacopoulos, Project Manager, 570.327.3701.

F1904223-001. Cleveland Township, 46 Jefferson Road, Elysburg, PA 17824, Cleveland Township, **Colum-**

bia County. U.S. Army Corps of Engineers Baltimore District. Application received: February 7, 2023.

Two properties for PEMA buy out in Cleveland Township, Columbia County, 19 Jefferson Road and 250 Fisherdale Road. The existing buildings will be removed, the area graded and stabilized with grass seed. Latitude: 40.853781°, Longitude: -76.446041°.

F1904223-002. Benton Borough, 575 Everett Street, Benton, PA 17814, Benton Township, **Columbia County.** U.S. Army Corps of Engineers Baltimore District. Application received: February 7, 2023.

Single property buyout through PEMA, 735 Market Street, Benton Borough, Columbia County. The existing structures will be removed, the parcel regraded and stabilized with seed. Latitude: 41.195338°, Longitude: -76.390164°.

E1904223-001. Town of Bloomsburg, 301 East Second Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County.** U.S. Army Corps of Engineers Baltimore District. Application received: January 30, 2023.

The Town of Bloomsburg is proposing to construct and maintain a paved pedestrian trail along Fishing Creek and WB Susquehanna River. The trail will include seven outfalls, a culvert crossing of Kinney Run and a culvert crossing of a mill race adjacent to Fishing Creek. There are also three parking lots proposed for access to the trail. The project will include 655 CY of fill within Fishing Creek floodway, 809 CY of fill within Susquehanna River floodplain and another 1,202 CY in the Susquehanna River floodway. Latitude: 40° 59' 11.4", Longitude: -76° 27' 24.2".

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E5202223-001. Morgan Tam, 80 Central Park West, Apt. 2A, New York, NY 10023, Delaware Township, **Pike County.** U.S. Army Corps of Engineers Philadelphia District. Application received: February 2, 2023.

To construct and maintain the following water obstructions and encroachments on a private lakefront property on Lake Renee in Marcel Lake Estates: 1. A floating aluminum recreational dock with spud poles encroaching into 128 square feet of Lake Renee (HQ-CWF, MF). 2. A 4-foot wide by 73-foot long elevated wooden walkway which will permanently impact approximately 0.01 acre of wetlands (EV). 3. An 18-foot wide single-family gravel driveway

crossing of wetlands (EV). The crossing will include two (2) 15" HDPE cross pipes and will impact approximately 0.04 acre of wetlands. The project is located to the right of Renee Drive after the intersection with Valerie Road (Edgemere, PA Quadrangle Latitude: 41° 15' 35", Longitude: -74° 57' 47") in Delaware Township, Pike County. Latitude: 41° 15' 35", Longitude: -74° 57' 47".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E2506222-017. PLP VI LLC, 2906 Cooperleaf Drive, Erie, PA 16509, Summit Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 16, 2022.

To permanently impact a total of 0.16 acre of wetland and 60 linear feet of UNT Walnut Creek having a contributory drainage area less than 100 acres for extension of Woodbine Drive and lot development and temporary impact to 0.02 acre of wetland and 40 linear feet of stream for a temporary access road as part of construction of Phase 3 of Saddlewood Condominiums residential development northeast of the intersection of Dorn Road and Hamot Road. Project proposes contribution to the Pennsylvania In-Lieu Fee Program fund for compensation of permanent impacts. Latitude: 42.03041°, Longitude: -80.08133°.

E2006220-021. Drew Russ, 4025 Lawnview Avenue, Pittsburgh, PA 15227, Summit Township, **Crawford County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 9, 2022.

To change the configuration of the Lakeside HOA boat dock in order to construct and maintain a dock projecting approximately 162 feet lakeward from the shore consisting of a main 4 feet wide, straight dock joining at a T on center with an 8 feet long by 45 feet wide platform also including six, three feet wide fingers, four projecting south and two projecting north, from the main straight dock, all 12 feet apart, providing 10 boat spaces permanently impacting approximately 0.03 acre of Conneaut Lake. Latitude: 41.635295°, Longitude: -80.311750°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Waterways and Wetlands Program, 717-705-4802.

E0703223-001. David Brenneman Jr., P.O. Box 206, Petersburg, PA 16669, Allegany Township, **Blair County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 17, 2023.

To perform work on Gillians Run (CWF, MF) (Holidaysburg 40° 42' 21.4", 77° 43' 26.69"). The applicant proposes to construct a 44-foot by 12-foot single span bridge stream crossing, approximately 0.01 acre of permanent stream impacts and 0.28 acre of permanent floodway impacts associated grading with approach roadway construction. The proposed 100-year water surface elevation has an increase of 0.26 feet compared to the existing 100-year water surface elevation. There are no wetland impacts. Latitude: 40.428214°, Longitude: -77.432669°.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E2301223-001. Mauro Investments, LLC, 38 Stephen Drive, Glen Mills, PA 19342, Collingdale Borough, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 26, 2022.

To extend a 48-inch diameter RCP outfall with a 6-foot by 6-foot junction box and an additional 75-foot-long, 48-inch diameter, aluminized 16 gauge-type 2 corrugated steel pipe. This activity includes the placement of fill above the extension as well as a new outfall headwall and the placement of riprap outlet protection. Proposed activities will result in 75 linear feet (300 square feet) of permanent watercourse impact. As a result of these permanent impacts to resources, a mitigation plan was developed and will be implemented. This project is located at 300 Rhodes Avenue in Collingdale Borough and is associated with an earlier PADEP application: E2301222-006. Latitude: 39.917129°, Longitude: -75.269659°.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

EA6715223-001. York County Conservation District, 2401 Pleasant Valley Road, Suite 101, Room 139, York, PA 17042, Fawn Grove Borough, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 25, 2023.

The applicant proposes to restore an unnamed tributary to Bald Eagle Creek (TSF-MF), by removing approximately 17,536 cubic yards of legacy sediment and other historic fills from the floodplain. The length of channel being temporarily impacted during construction is approximately 2,371 linear feet, and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 6.47 acres. The project proposes to restore approximately 3.17 acres of integrated wetland, stream and floodplain areas. Additional restoration activities proposed include: to realign watercourses during construction; to place rock stream and valley grade control structures; to place rock slope protection: to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances and other erosion controls during restoration activities. The applicant also is requesting acknowledgement of registration to use General Permit 6 for the construction of an agricultural crossing. The restoration project is located Southeast of the intersection of Thompson Road and Market Street in Fawn Grove, PA, Latitude: 39.7350416748°, Longitude: -76.4554036153°.

EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regula-

tions, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP Regional Office previously listed in the application within 30-days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address, and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

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

Applications Received Under Sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000(717) 787-2814.

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP-3 # ESCP # 2

Applicant Name Apex Energy (PA) LLC

Contact Person Ed, info@apexenergyllc.com

Address 6041 Wallace Road Ext, Suite 100

City, State, Zip Wexford, PA 15090-7471

Township(s) Penn Township

County Westmoreland County

Receiving Stream(s) and Classification(s) Received by

Bushy Run and unnamed tributary to Bushy Run,

Ch. 93 class TSF

Application received: December 27, 2022

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPpublicNotice.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

| <i>Application Number</i> | <i>Permit Type</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|---|-------------------------|---|---|-------------------|
| PAD090086 | Chapter 102 Individual NPDES Permit | Issued | Solebury Township 3092 Sungan Road P.O. Box 139 Solebury, PA 18963-0139 | Solebury Township Bucks County | SERO |
| PAD140011 | Chapter 102 Individual NPDES Permit | Issued | Grays Wood Partnership 1952 Waddle Road State College, PA 16803-1649 | Patton Township Centre County | NCRO |
| PAD140071 | Chapter 102 Individual NPDES Permit | Issued | Levi Olga 196 Potters Lane Port Matilda, PA 16870-7119 | Patton Township Centre County | NCRO |
| PAD150279 | Chapter 102 Individual NPDES Permit | Issued | Wallace Township 1250 Creek Road Glenmoore, PA 19343-1710 | Wallace Township Chester County | SERO |
| PAD150281 | Chapter 102 Individual NPDES Permit | Issued | Pompei Adam J 80 Guilford Circle Phoenixville, PA 19460-2663 | West Pikeland Township Chester County | SERO |
| PAD410013 | Chapter 102 Individual NPDES Permit | Issued | PA Gen Energy Co. LLC 120 Market Street Warren, PA 16365-2510 | Mill Creek Township Lycoming County | NCRO |
| PAD420009 | Chapter 102 Individual NPDES Permit | Issued | Columbia Gas of PA Inc. 4000 Energy Drive Bridgeville, PA 15017 | Bradford Township McKean County | NWRO |
| PAD440014 | Chapter 102 Individual NPDES Permit | Issued | Mifflin County School District 501 6th Street Lewistown, PA 17044-1200 | Derry Township Mifflin County | SCRO |
| PAD510202 | Chapter 102 Individual NPDES Permit | Issued | Philadelphia Parks & Recreation 1515 Arch Street Philadelphia, PA 19102-1501 | Philadelphia City Philadelphia County | SERO |

NOTICES

1099

| <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> |
|---------------------------|---|-------------------------|--|---|-------------------|
| PAD670024 | Chapter 102 Individual NPDES Permit | Issued | Jackson Township Sewer Authority York County 439 Roth Church Road Spring Grove, PA 17362-8872 | Jackson Township York County | SCRO |
| PA0284785 | Industrial Stormwater Individual NPDES Permit | Issued | Amazon Com Svcs LLC P.O. Box 80842 Seattle, WA 98108-0842 | North Versailles Township Allegheny County | SWRO |
| 0913944 | Joint DEP/PFBC Pesticides Permit | Issued | Toll Bros Real Estate Inc. 721 Dresher Road Horsham, PA 19044-2220 | Newtown Township Bucks County | SERO |
| 1513808 | Joint DEP/PFBC Pesticides Permit | Issued | Zimmerman Peter 2363 Chester Springs Road Chester Springs, PA 19425-3403 | West Vincent Township Chester County | SERO |
| 1513831 | Joint DEP/PFBC Pesticides Permit | Issued | Franny Abbott 975 Hillsdale Road West Chester, PA 19382-1920 | East Bradford Township Chester County | SERO |
| 1513835 | Joint DEP/PFBC Pesticides Permit | Issued | Brittany Hills HOA 367 Carlisle Drive Avondale, PA 19311-1440 | New Garden Township Chester County | SERO |
| 1513869 | Joint DEP/PFBC Pesticides Permit | Issued | McKinstry Bob 548 School House Road Kennett Square, PA 19348-1742 | Kennett Square Borough Chester County | SERO |
| 1513873 | Joint DEP/PFBC Pesticides Permit | Issued | Moccasin Run Golf Club 402 Schoff Road Atglen, PA 19310-9636 | Atglen Borough Chester County | SERO |
| 1513915 | Joint DEP/PFBC Pesticides Permit | Issued | Watkins Pete 890 W Strasburg Road West Chester, PA 19380 | East Bradford Township Chester County | SERO |
| 1713803 | Joint DEP/PFBC Pesticides Permit | Issued | Treasure Lake POA Inc. 13 Treasure Lk DuBois, PA 15801-9001 | Sandy Township Clearfield County | NCRO |
| 2313825 | Joint DEP/PFBC Pesticides Permit | Issued | Watson Ross 1 Langdale Road Newtown Square, PA 19073-4339 | Radnor Township Delaware County | SERO |
| 4117801 | Joint DEP/PFBC Pesticides Permit | Issued | Const Spec of NJ Inc. 6696 Route 405 Highway Muncy, PA 17756-6381 | Clinton Township Lycoming County | NCRO |
| 5913804 | Joint DEP/PFBC Pesticides Permit | Issued | Sugar Branch Lake Estates 608 Austinville Road Troy, PA 16947-9210 | Sullivan Township Tioga County | NCRO |
| 3417201 | Manure Storage and Wastewater Impoundments Individual WQM Permit | Issued | Reinford Farms Inc. 505 Cedar Grove Road Mifflintown, PA 17059-8134 | Walker Township Juniata County | SCRO |
| PA0232599 | Minor Industrial Waste Facility without ELG Individual NPDES Permit | Issued | Veolia Water PA Inc. 6310 Allentown Boulevard Suite 104 Harrisburg, PA 17112-2739 | Bloomsburg Town Columbia County | NCRO |
| PA0094617 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | Jones Estates Walnut Manor PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900 | Georges Township Fayette County | SWRO |

| <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> |
|---------------------------|--|-------------------------|--|--|-------------------|
| PA0110485 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | Veolia Water PA Inc. 6310 Allentown Boulevard Suite 104 Harrisburg, PA 17112-2739 | South Centre Township Columbia County | NCRO |
| PA0219487 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | CNX Land LLC 1000 Horizon Vue Drive Canonsburg, PA 15317 | Amwell Township Washington County | SWRO |
| PA0058408 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | Rivercrest Comm Assoc 100 Rivercrest Drive Phoenixville, PA 19460 | Upper Providence Township Montgomery County | SERO |
| PA0061182 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | Big Boulder Corp P.O. Box 707 Blakeslee, PA 18610-0707 | Kidder Township Carbon County | NERO |
| 2684405 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | Jones Estates Walnut Manor PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900 | Georges Township Fayette County | SWRO |
| 4188411 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | Keystone Apt LLC P.O. Box 120 Mount Freedom, NJ 07970-0120 | Lewis Township Lycoming County | NCRO |
| 4303408 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | Carlton DJVNW LLC 8865 Norwin Avenue Suite 27 Pmb 319 North Huntingdon, PA 15642-2769 | French Creek Township Mercer County | NWRO |
| 4371410 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | Carlton Djvnw LLC 8865 Norwin Avenue Suite 27 Pmb 319 North Huntingdon, PA 15642-2769 | French Creek Township Mercer County | NWRO |
| 6303403 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | CNX Land LLC 1000 Horizon Vue Drive Canonsburg, PA 15317 | Amwell Township Washington County | SWRO |
| NOEXSC392 | No Exposure Certification | Issued | Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842 | Altoona City Blair County | SCRO |
| NOEXSC394 | No Exposure Certification | Issued | PKG Corp of American 701 Stony Battery Road Landisville, PA 17538-1512 | East Hempfield Township Lancaster County | SCRO |
| NOEXSW001 | No Exposure Certification | Issued | Industrial Scientific 1 Life Way Pittsburgh, PA 15205-7500 | Robinson Township Allegheny County | SWRO |
| NOEXSW230 | No Exposure Certification | Issued | Bloom Engineering Co. Inc. 100 Vista Drive Charleroi, PA 15022-3486 | Fallowfield Township Washington County | SWRO |

NOTICES

1101

| <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> |
|---------------------------|---|-------------------------|--|--|-------------------|
| PAG036308 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Baker Hughes Oilfield Oprn LLC 370 Westec Drive Mount Pleasant, PA 15666-2762 | Hempfield Township Westmoreland County | SWRO |
| PAR144802 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | AHF LLC 3840 Hempland Road Mountville, PA 17554-1500 | Beech Creek Township Clinton County | NCRO |
| PAR203575 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Kabar Products LLC 5299 Southway Street SW Canton, OH 44706-1943 | Upper Leacock Township Lancaster County | SCRO |
| PAR236119 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Holcim Solutions & Products US LLC Bldg 102 Avenue A Youngwood, PA 15697 | Youngwood Borough Westmoreland County | SWRO |
| PAG104852 | PAG-10 NPDES General Permit for Hydrostatic Test Water | Issued | Stagecoach Pipeline & Storage Co. LLC 1001 Louisiana Street Houston, TX 77002-5089 | Franklin Township Lycoming County | NCRO |
| PAG123936 | PAG-12 NPDES General Permit for CAFOs | Issued | Brubaker Kevin 7117 Bernville Road Bernville, PA 19506-8637 | Jefferson Township Berks County | SCRO |
| PAG123937 | PAG-12 NPDES General Permit for CAFOs | Issued | Light Jacob 177 Blue Mountain Road Fredericksburg, PA 17026-9352 | Bethel Township Lebanon County | SCRO |
| 9662 | Pump Stations Individual WQM Permit | Issued | Oakmont Borough Allegheny County 767 5th Street Oakmont, PA 15139-1524 | Oakmont Borough Allegheny County | SWRO |
| PA0233145 | Single Residence STP Individual NPDES Permit | Issued | Smeal Travis 2399 Northway Road Ext Williamsport, PA 17701-9270 | Hepburn Township Lycoming County | NCRO |
| PA0254924 | Single Residence STP Individual NPDES Permit | Issued | Hoover Jason A 4686 Liberty Way Elizabeth, PA 15037-3004 | Lincoln Borough Allegheny County | SWRO |
| PA0266523 | Single Residence STP Individual NPDES Permit | Issued | Mason Russell J Jr 211 Capitol Hill Road Dillsburg, PA 17019-9743 | Franklin Township York County | SCRO |
| PA0266621 | Single Residence STP Individual NPDES Permit | Issued | Stetler Ken and Stetler Sherry 4976 Spring Road Shermans Dale, PA 17090 | Carroll Township Perry County | SCRO |
| PA0291285 | Single Residence STP Individual NPDES Permit | Issued | Magee Gerald 111 Nicola Lane Indiana, PA 15701-2315 | Muddycreek Township Butler County | NWRO |
| PA0291421 | Single Residence STP Individual NPDES Permit | Issued | Leicht Jacob 10649 West Road Albion, PA 16401-8717 | Elk Creek Township Erie County | NWRO |
| PA0291463 | Single Residence STP Individual NPDES Permit | Issued | Stoltz Garth H Jr 451 W Kirby Road Battle Creek, MI 49017-9012 | Corydon Township McKean County | NWRO |
| PA0291706 | Single Residence STP Individual NPDES Permit | Issued | Bittle Joshua 1335 N State Route 934 Annville, PA 17003-8928 | Cromwell Township Huntingdon County | SCRO |
| 0215403 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Hoover Jason A 4686 Liberty Way Elizabeth, PA 15037-3004 | Lincoln Borough Allegheny County | SWRO |

| <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> |
|---------------------------|---|-------------------------|---|--|-------------------|
| 1022416 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Magee Gerald 111 Nicola Lane Indiana, PA 15701-2315 | Muddycreek Township Butler County | NWRO |
| 2522439 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Leicht Jacob 10649 West Road Albion, PA 16401-8717 | Elk Creek Township Erie County | NWRO |
| 3122403 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Bittle Joshua 1335 N State Route 934 Annville, PA 17003-8928 | Cromwell Township Huntingdon County | SCRO |
| 4121402 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Smeal Travis 2399 Northway Road Ext Williamsport, PA 17701-9270 | Hepburn Township Lycoming County | NCRO |
| 4222409 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Stoltz Garth H Jr. 451 W Kirby Road Battle Creek, MI 49017-9012 | Corydon Township McKean County | NWRO |
| PA0229130 | Small Flow Treatment Facility Individual NPDES Permit | Issued | MJ Rentals Inc. 215 Kenlee Drive Suite 1 Bellefonte, PA 16823-2806 | Liberty Township Centre County | NCRO |
| 1407403 | Small Flow Treatment Facility Individual WQM Permit | Issued | MJ Rentals Inc. 215 Kenlee Drive Suite 1 Bellefonte, PA 16823-2806 | Liberty Township Centre County | NCRO |

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> |
|----------------------|-----------------------|---------------------|---|--|---|
| PAC230236 | PAG-02 General Permit | Issued | Department of General Services 1802 18th and Herr Street Harrisburg, PA 17103 | Thornbury Township Delaware County | Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 |
| PAD170065 | PAG-02 General Permit | Issued | J.B. Mill and Fabricating, Inc 57 Byers Road Burnside, PA 15721 | Burnside Borough Clearfield County | Clearfield County Conservation District 6395 Clearfield- Woodland Highway Suite 2 Clearfield, PA 16830-1923 814-765-2629 |
| PAC600096 | PAG-02 General Permit | Issued | Philip Kurtz 1560 Church Road Mifflinburg, PA 17844 | West Buffalo Township Union County | Union County Conservation District 155 N 15th St Lewisburg, PA 17837-8822 570-524-3860 |
| PAC480160 | PAG-02 General Permit | Issued | Setter Hill Farm 20 Country Road Northampton, PA 18067 | Allen Township Northampton County | Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov |

NOTICES

1103

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------------|---------------------|---|---|--|
| PAC460775 | PAG-02 General Permit | Denied | Gambone Management Co 1030 West Germantown Pike East Norriton, PA 19403 | Limerick Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |
| PAC360789 | PAG-02 General Permit | Issued | Jacob Stoltzfus 2081 Sanctuary Road Manheim, PA 17545 | Penn Township Lancaster County | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 |
| PAC360559A-1 | PAG-02 General Permit | Issued | GRH-3 LLC 120 N. Pointe Blvd Suite 101 Lancaster, PA 17601 | Manheim Township Lancaster County | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 |
| PAC360760 | PAG-02 General Permit | Issued | Wright Ebersole LLC 20 S Olive Street Suite 203 Media, PA 19063 | East Cocalico Township Lancaster County | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 |
| PAC360627 | PAG-02 General Permit | Issued | Groff Farm Properties LLC 169 N Groffdale Road Leola, PA 17540 | West Earl Township Lancaster County | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 |
| PAC210301 | PAG-02 General Permit | Issued | Slate Ridge Mennonite School 870 Doubling Gap Road Newville, PA 17241 | North Newton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC060322 | PAG-02 General Permit | Issued | Cleon Swartzentruber Infinity Capital, LLC 134 Brown Road Shoemakersville, PA 19555 | Greenwich Township Berks County | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9810 610-372-4657 |
| PAC100261 | PAG-02 General Permit | Issued | True Storage LLC 670 N Commercial Street Manchester, NH 03101 | Cranberry Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |
| PAC100282 | PAG-02 General Permit | Issued | Freedom Road Associates LLC 514 Ridge Court Wexford, PA 15090 | Cranberry Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |
| PAC390181 | PAG-02 General Permit | Issued | Exeter 1108 American Land, LLC 101 W. Elm Street Suite 600 Conshohocken, PA 19428 | Hanover Township Lehigh County | Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@ pa.gov |

| Permit Number | Permit Type | Action Taken | Applicant Name & Address | Municipality, County | Office |
|---------------|--------------------------|--------------|---|---------------------------------------|--|
| PAC430080 | PAG-02 General Permit | Issued | Ratvasky Auto Service 286 Creek Road Volant, PA 16124 | Springfield Township Mercer County | Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242 |
| PAC240010A2 | PAG-02 General Permit | Issued | Friday Gas & Oil Inc. 16444 Bennetts Valley Highway Weedville, PA 15868 | Jay Township Elk County | Elk County Conservation District 850 Washington Street Saint Marys, PA 15857 814-776-5373 |

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

SAFE DRINKING WATER

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

Operation Permit No. 3480053, Public Water Supply.
Applicant **Pennsylvania American Water Company**

Address 852 Wesley Drive
Mechanicsburg, PA 17055
Municipality Lower Mount Bethel Township
County **Northampton County**
Consulting Engineer Matt Griffith
Pennsylvania American Water Company
2699 Stafford Avenue
Scranton, PA 18505
Application Received December 16, 2022
Permit Issued February 2, 2023
Description Updated Operation Permit authorizing replacement of chlorine analyzers at the Berry Hollow water system.

Operation Permit No. 3480055, Public Water Supply.

Applicant **Pennsylvania American Water Company**
Address 852 Wesley Drive
Mechanicsburg, PA 17055
Municipality Wind Gap Borough
County **Northampton County**
Consulting Engineer Matt Griffith
Pennsylvania American Water Company
2699 Stafford Avenue
Scranton, PA 18505
Application Received December 27, 2022
Permit Issued February 2, 2023
Description Updated Operation Permit authorizing replacement of chlorine analyzers at the Blue Mountain water system.

Operation Permit No. 3480076, Public Water Supply.

Applicant **Evergreen Village Cooperative, Inc.**
Address 29 Independence Way
Upper Mt. Bethel Township, PA 18343
Municipality Upper Mount Bethel Township
County **Northampton County**

Consulting Engineer Richard Cowell
Operating Director
Evergreen Village Cooperative,
Inc.
29 Independence Way
Upper Mt. Bethel Township, PA
18343

Application Received December 13, 2022

Permit Issued January 18, 2023

Description Permit Transfer

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

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

NCWSA Operation Permit 7670384. PWSID No. **7670384. Lavender Acres Winery**, 4251 Orchard Hills Drive, York, PA 17402, Hellam Township, **York County**. Application received: February 1, 2023. Permit Issued: February 9, 2023. Approval to Operate for a new system and treatment.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Carrie Wilt, Sewage Planning Specialist II, 717-705-4755.

Plan Location:

| Municipality | Address | County |
|-----------------|--|----------------|
| Hellam Township | 44 Walnut Springs Lane York, PA 17406 | York County |

Plan Description:

Collin Best, DEP Code No. A3-67929-238-3s. Approval of a revision to the official plan of Hellam Township, **York County**. The project is known as Collin Best. The plan provides for a small flow treatment facility (SFTF) proposal to replace a malfunctioning on-lot sewage disposal system serving an existing single-family residential dwelling on 1.0 acres. Total estimated sewage flows are 400 gpd, and there will be a proposed discharge to Dugan Run. The proposed development is located at 492 Kreutz Creek Road in Hellam Township, York County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-67929-238-3s and the APS ID is 1079558. Any permits must be obtained in the name of the property owner.

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 Stan-

dards 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.

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.

Bob Klinger's New-Used Pallets, Primary Facility ID # **850931**, 38 North Hill Road, Bernville, PA 19506, North Heidelberg Township, **Berks County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Bob Klinger's New-Used Pallets, 38 North Hill Road, Bernville, PA 19506, submitted a Final Report concerning remediation of soil and groundwater contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide health standards. Approved: February 8, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

CNX GH5 Well Pad, Primary Facility ID # **863075**, 394 Lightner Road, Sycamore, PA 15364, Center Township, **Greene County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205 on behalf of CNX Gas Company, LLC, 1000 Horizon Vue Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: February 9, 2023.

Hussey Copper, Primary Facility ID # **854095**, 100 Washington Street, Leetsdale, PA 15056, Leetsdale Borough, **Allegheny County**. Wood Environment & Infrastructure, 437 Grant Street, Suite 918, Pittsburgh, PA 15219, on behalf of Libertas Copper, 100 Washington Street, Leetsdale, PA 15056, submitted a Final Report concerning remediation of soil and groundwater contaminated with aluminum, arsenic, barium, cadmium, chromium III, copper, lead, mercury, nickel, selenium, silver, zinc, volatile organics, semi-volatile organics and polychlorinated biphenyls. The Final Report demonstrated attainment of the Statewide health standards. Approved: February 9, 2023.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

Transporter License Reissued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Clean Harbors Environmental Services, Inc., P.O. Box 9149, Norwell, MA 02061. **License No. PA-AH 0312**. Application received: January 10, 2023. Effective February 2, 2023.

The PennOhio Corporation, 4813 Woodman Avenue, Ashtabula, OH 44004. **License No. PA-AH 0618**. Application received: February 2, 2023. Effective February 9, 2023.

Ecology Services, Inc., 9135 Guilford Road, Columbia, MD 21046. **License No. PA-AH 0789**. Application received: February 2, 2023. Effective February 2, 2023.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Action(s) Taken on Regulated and Chemotherapeutic Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Regulations to Transport Regulated Medical and Chemotherapeutic Waste.

Transporter License Reissued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

BioYork, LLC, 1444 East Lackawanna Avenue, Olyphant, PA 18447. **License No. PA-HC 0265**. Received on February 2, 2023. Effective February 9, 2023.

Choice MedWaste, LLC, P.O. Box 1443, Hockessin, DE 19707. **License No. PA-HC 0266**. Received on February 2, 2023. Effective February 9, 2023.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

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.

AG5A-08-00017A: Chesapeake Appalachia, LLC, P.O. Box 18496, Oklahoma City, OK 73154, Wilmot Township, **Bradford County**. For the continued operation of a 1,380 bhp Caterpillar G3516, 4-stroke, lean burn, natural gas-fired, engine equipped with a 2-way oxidation catalyst; five produced water storage tanks; truck load-out operation; various fugitive emissions; five gas processing units; and various pneumatic controllers and pumps pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Kaufmann Well Pad. Application received: January 17, 2023. Issued: February 8, 2023.

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

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

GP19-36-05106C: Premier Custom Built, Inc., 110 Short Street, New Holland, PA 17557-1515, East Earl Township, **Lancaster County**. For a shot blast machine controlled by a cartridge collector, under GP-19, at the kitchen cabinet manufacturing facility. Application received: January 25, 2023. Issued: February 13, 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.

GP1-23-0159: WAWA Inc., 1393 W. Baltimore Pike, Media, PA 19063, Middletown Township, **Delaware County**. This action was for the issuance of the renewal of a General Operating Permit for the operation of a 12.25 MMBtu/hr dual fuel Boiler. Application received: January 30, 2023. Issued: February 10, 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.

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

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-04-00708B: Watco Transloading, LLC, 2701 Route 68 West, Industry, PA 15052, Industry Borough, **Beaver County**. Plan Approval extension issued on February 13, 2023, to extended temporary operation to facilitate the shake-down of sources and air cleaning devices at the truck loadout operations at their Lot # 2 located in Industry Borough, Beaver County. Application received: February 1, 2023. Accepted: February 10, 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.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration, 215-685-9426.

IP23-000003: MIPC, LLC, 4210 G Street, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued Plan Approval No. IP23-000003 to MIPC, LLC to extend Plan Approval Number IP19-000043 dated June 19, 2019. Plan Approval No. IP19-000043 was for the installation and temporary operation of the following sources below: Increase the Truck Loading Rack (P03) throughput from 243,000,000 gallons per rolling 12-month period to 306,600,000 gallons per rolling 12-month period for gasoline or light petroleum products (controlled loading operations). Installation of a new ethanol unloading skid and truck station for the unloading of ethanol from tank trucks into terminal storage. Installation of a new Vapor Recovery Unit (VRU) (CD016) that uses vacuum assist to eliminate fugitive emissions. CD016 controls emissions from Truck Loading Rack (P03). The current carbon adsorption/absorption VRU (CD015) will remain as a backup control device for Truck Loading Rack (P03). CD015 is limited to 5,880,000 gallons per year of light petroleum liquid product. The extension is effective until August 8, 2024. Application received: January 4, 2023. Issued: February 8, 2023.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

09-0007G: Waste Management Disposal Services of PA, Inc. (WMSDPI)—Geological Reclamations Operations and Waste Systems (GROWS), 100 New Ford Mill Rd., Morrisville, PA 19067-3704, Falls Township, **Bucks County**. This action is for a plan approval extension for the revision of the short-term sulfur oxide (SO_x) limits for a Back-up Enclosed Flare at their landfill. Application received: January 25, 2023. Issued: February 7, 2023.

46-0005AZ: Merck, Sharp & Dohme, Corp., 770 Sumneytown Pike, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. This action is for the extension of a plan approval for the installation and shakedown of a 750-kW natural gas-fired generator for emergency use in Building 16 and the reinstallation of

a 2,000-kW diesel-fired Southeast Generator (Peak) at an existing facility. Application received: January 20, 2023. Issued: February 7, 2023.

09-0245: Penn Engineering & Manufacturing Corp., 5190 Old Easton Highway, Danboro, PA 18916-1000, Plumstead Township, **Bucks County**. This action is for the installation and shakedown operation of an automated barrel plating system and related air pollution control technology equipment, including a packed-bed scrubber. Application received: January 11, 2023. Issued: February 10, 2023.

23-0119E: Energy Transfer Marketing & Terminals, LP, 100 Green Street, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. A Plan Approval extension for the redesign/modification of an existing fractionation tower to operate as a depropanizer (Source ID 090) in accordance with specifications in the application and conditions in the plan approval issued by the Department, as well as the continued temporary operation of all other sources (i.e., three auxiliary boilers, three fractionation towers, eight refrigerated storage tanks, piping and components, marine vessel loading equipment, four caverns, a natural gasoline loading rack, three cooling towers, eight internal floating roof storage tanks, and two elevated cold flares). The Plan Approval has been extended for 18 months in accordance with 25 Pa. Code § 127.13(b) based on an 18-month timeframe for the design work, equipment purchasing, construction, and commissioning required to modify the existing fractionation tower to operate as a depropanizer. Application received: September 8, 2022. Issued: February 15, 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.

14-00003: Pennsylvania State University, 213 Physical Plant, University Park, PA 16802, State College Borough, **Centre County**. Issued a revised Title V Operating Permit for their University Park Campus to incorporate the terms and conditions of Plan Approval 14-00003K for the construction of a natural gas-fired combined heat and power unit at the West Campus Steam Plant. The revised Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: December 1, 2022. Issued: February 2, 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.

20-00035: Molded Fiber Glass Tray, 6175 US Highway 6, Linesville, PA 16424, Pine Township, **Crawford County**. The Department issued the renewal Title V Operating Permit for the Reinforced Plastic Manufacturing Facility. The facility's major emission sources include: Two (2) 4.2 mmBtu/hr Boilers, Air Make-Up & Space Heaters (16.1 mmBtu/hr), Process Heaters (0.55 mmBtu/hr), Closed Molding Operations, a Degreasing Operation, an Emergency Generator (80 kW), Finishing Operations, a Wet Resin Mix Room, two (2) Preform Ovens/Machines, a Curing Oven, a Surface Coating Operation, and eight

(8) Resin Storage Tanks. The facility is electing to limit its styrene throughput for the Closed Molding Operations, its solvent usage for the Degreasing Operation, its preform throughput for the Preform Ovens/Machines, and its surface coating usage for the Surface Coating Operation in order to maintain its VOC emissions below major thresholds (50 tons per year), thus avoiding RACT requirements. The potential emissions of the major pollutants from the facility with these limitations are as follows: PM₁₀: 3.89 TPY, PM_{2.5}: 0.29 TPY, NO_x: 11.92 TPY, SO_x: 0.07 TPY, CO: 5.31 TPY, VOC: 48.97 TPY, Styrene: 43.60 TPY, and CO₂: 13,470 TPY; thus, the facility is subject to Title V requirements for potential emissions of a single Hazardous Air Pollutant in excess of ten (10) tons (Styrene). The Boilers and Process Heater are subject to 40 CFR 63 Subpart DDDDD NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The Emergency Generator is subject to 40 CFR 63 Subpart ZZZZ NESHAP for Stationary Reciprocating Internal Combustion Engines. The facility is subject to 40 CFR 63 Subpart WWWW NESHAP for Reinforced Plastic Composites Production. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: April 22, 2022. Renewal issued: February 7, 2023.

43-00287: Jones Performance Products, P.O. Box 808, 1 Jones Way, West Middlesex, PA 16159-0808, West Middlesex Borough, **Mercer County**. The Department issued the renewal of the Title V Operating Permit to operate a facility that manufactures truck and bus bodies made of fiberglass reinforced plastics. The sources at the facility include a gel coating booth, resin application booths, surface coating booths, a curing oven, and a parts washer. The facility is a Title V facility because its styrene emission from gel coating and resin application activities exceeds the 10-TPY major source threshold for single HAP. Sources for gel coating and resin application are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) for reinforced plastic composite production (40 CFR 63, Subpart WWWW). The sources for surface coating are subject to VOC content limits and requirements of 25 Pa. Code § 129.52d, which pertains to control of VOC emissions from surface coating of several materials that include miscellaneous plastic parts. The facility is not major for VOC because of the facility-wide VOC limit of 35.0 TPY in any consecutive 12-month period. The facility is not major for NO_x, CO, SO_x, or PM₁₀/PM_{2.5} emissions. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: December 21, 2021. Renewal issued: February 7, 2023.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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.

17-00069: Pennsylvania State University, 167 Outreach Building, University Park, PA 16802, Lawrence Township, **Clearfield County**. Issued a State Only Oper-

ating Permit renewal for operation of their diesel generator engine within this facility. All applicable Federal and State regulatory requirements are incorporated into the Operating Permit, including testing, monitoring, recordkeeping, reporting, and work practice conditions to verify compliance. Application received: October 19, 2022. Issued: February 1, 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.

43-00324: John Flynn Funeral Home/Hermitage, 2630 East State Street, Hermitage, PA 16148, City of Hermitage, **Mercer County**. The Department issued a Natural Minor State Only Operating Permit renewal for John Flynn Funeral Home for the operation of a natural gas incinerator. The subject facility consists of a B&L Cremation Systems (model N-20AA) and has a 150-lb/hr cremation rate capacity. The potential emissions are of 1.93 TPY, 0.53 TPY, 0.48 TPY, and 0.04 TPY for oxides of nitrogen (NO_x), carbon monoxide (CO), particulate matter (PM), and volatile organic compounds (VOC), respectively. The facility is subject to State Regulations. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: March 29, 2022. Renewal issued: January 10, 2023.

03-00197: Nature's Blend Wood Product Incorporated, 717 First Avenue, Ford City, PA 16226, Ford City Borough, **Armstrong County**. The Department issued a renewal permit for Nature's Blend Wood Products Incorporated for the manufacturing and surface coating of wood furniture components for the housing. The subject facility consists of miscellaneous natural gas usages, surface coating operations, and wood working operation. The facility's potential emissions are: 49.9 tpy VOC, 9.9 tpy HAP (individual), 15.0 tpy HAPs (total), 2.0 tpy NO_x, 1.7 tpy CO, and 18.8 tpy PM. The facility is a synthetic minor and is subject to State and Federal Regulations (40 CFR Part 63 Subpart JJ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: November 22, 2021. Renewal issued: February 7, 2023.

32-00200: Pennsylvania State System of Higher Education, Indiana University, 525 Pratt Drive, Indiana, PA 15705-1028, Indiana Borough, **Indiana County**. The Department issued the new State Only Operating Permit for the S.W. Jack Cogeneration Plant. The facility's primary emission sources include the three gas/oil boilers, the four dual-fuel engines (8,400-bhp), a 600-bhp diesel emergency generator engine, and a cold solvent degreaser. The potential emissions after permit limitations of the major pollutants from the facility are as follows: 99.90 TPY (tons per year) NO_x, 63.30 TPY CO, 8.22 TPY VOC, 2.63 TPY total HAP (hazardous air pollutants), 5.37 TPY PM₁₀ and PM_{2.5}, and 3.38 TPY SO_x. The facility is a synthetic minor, taking limits on hours of operation of the dual-fuel engines to remain below Title V thresholds. The boilers are subject to 40 CFR 63 Subpart Dc, Standards of Performance for Small

Industrial-Commercial-Institutional Steam Generating Units. The engines are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines (which includes CO emission limitations for the dual-fuel engines). The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: December 12, 2022. Permit issued: February 7, 2023.

42-00177: Bradford Forest, Inc., 444 High Street, Bradford, PA 16701, City of Bradford, **McKean County**. The Department issued the renewal of the State Only Operating Permit for Bradford Forest's hardwood producing facility. The facility is a Natural Minor. Potential emissions are as follows: 73.37 tpy NO_x; 77.34 tpy CO; 5.65 tpy SO₂; and 62.64 tpy PM₁₀. The primary sources at the facility are 3 Wood Boilers, saw mill operations, and 3 parts washers. The boilers are subject to 40 CFR Part 63 Subpart JJJJJ, the NESHAP for ICI Area Source Boilers. 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: January 26, 2022. Renewal issued: February 7, 2023.

25-00558: Products Finishing, Inc., 2002 Greengarden Road, Erie, PA 16502, City of Erie, **Erie County**. The Department issued a renewal of the State Only Operating Permit for Products Finishing's chrome electroplating facility. The facility is a Natural Minor. The primary sources at the facility include 2 natural gas boilers each rated at 325,000 Btu/hr, 11 Chrome electroplating tanks, and a hydrochloric acid stripping tank. The potential emissions from the facility are as follows: NO_x less than 1 tpy; CO less than 1 tpy; PM₁₀ less than 1 tpy; SO_x less than 1 tpy; VOC's less than 1 tpy; and Chromium Compounds less than 1 tpy. The facility is subject to 40 CFR Part 63 Subpart N, the NESHAP for Chromium Emissions from Hard Chromium Electroplating and Chromium Anodizing Tanks. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: January 24, 2022. Renewal issued: February 7, 2023.

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

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

36-03199: Doodad Printing, LLC, 1842 Colonial Village Lane, Suite 101, Lancaster, PA 17601-6700, East Lampeter Township, **Lancaster County**. For the printing facility. The State-Only permit was renewed. Application received: October 3, 2022. Issued: February 7, 2023.

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

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

09-00059: St. Mary's Medical Center, 1201 Langhorne Newtown Road, Langhorne, PA 19047, Middletown Township, **Bucks County**. This action is for the renewal

of a Synthetic Minor Operating Permit for a general medical and surgical hospital. The air emission sources consist of two boilers and four emergency generators. The Operating Permit has fuel restrictions in place for the facility to remain a synthetic minor facility. Application received: May 13, 2022. Issued: February 10, 2023.

46-00024: Johnson & Johnson Consumer Inc., 7050 Camp Hill Road, Fort Washington, PA 19034, Whitmarsh Township, **Montgomery County**. This action is for a change in ownership of this facility from Johnson & Johnson Consumer Inc., New Jersey to Johnson & Johnson Consumer Inc., Delaware. Application received: December 13, 2022. Issued: February 13, 2023.

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

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

65-00634: Eastern Gas Transmission & Storage Inc./JB Tonkin Station, 6603 W Broad St, Richmond, VA 23230, Murrysville Borough, **Westmoreland County**. The Department issued a natural minor State Only Operating Permit for a natural gas compressor station. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, work practice and additional requirements at their facility located in Murrysville Borough, Westmoreland County. Application received: March 14, 2022. Issued: February 7, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

40-00084: Lacey Memorial, Rear 1000 South Church Street, Hazleton, PA 18201, City of Hazleton, **Luzerne County**. The amended Operating Permit was issued for an administrative amendment to incorporate conditions from Plan Approval 40-00084A into Operating Permit No. 40-00084. The administrative Operating Permit amendment was issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. Application received: September 21, 2022. Issued: February 6, 2023.

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

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

36-05007: Johnson & Johnson Consumer, Inc., 400 West Lincoln Avenue, Lititz, PA 17543-8701, Lititz Borough, **Lancaster County**. For the pharmaceuticals manufacturing facility. The State-Only permit was administratively amended in order to reflect a change of ownership. Application received: January 31, 2023. Issued: February 6, 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).

Noncoal Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 7874SM2. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, North Whitehall Township, **Lehigh County.** Correction to increase the depth of mining and to add 3 new monitoring wells affecting 234.09 acres. Application received: June 8, 2021. Coverage issued: February 13, 2023.

Mining Permit No. 7876SM1. PA0595721. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Whitehall Township, **Lehigh County.** Renew NPDES Permit on a quarry operation. Receiving stream: Coplay Creek. Application received: May 19, 2022. Renewal issued: February 13, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 48234102. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Bethlehem Township, **Northampton County.** Construction blasting for St. Luke's Bethlehem. Application received: February 1, 2023. Permit issued: February 7, 2023. Expiration date: February 1, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

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

Contact: RA-EPEASTERNOPRG@pa.gov.

E5829222-012. Williams Field Services Company, LLC, 310 State Route 29 North, Tunkhannock, PA 18657, Bridgewater Township, **Susquehanna County.** U.S. Army Corps of Engineers Baltimore District. Application received: September 30, 2022. Issued: February 7, 2023.

To construct, operate, and maintain:

1. a temporary timber bridge crossing impacting 117 square feet of floodway to an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.801192°, Long. -75.878953°),

2. a temporary timber bridge crossing impacting 288 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Lat. 41.801192°, Long. -75.878937°),

3. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 4,209 square feet (0.10 acre) of a palustrine emergent wetlands (PEM) and 752 square feet (0.02 acre) of palustrine scrub-shrub wetlands (PSS)(Montrose West, PA Quadrangle; Lat. 41.800631°, Long. -75.878697°),

4. a temporary timber bridge crossing impacting 15 lineal feet of an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.800452°, Long. -75.878766°),

5. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 688 square feet (0.02 acre) of a palustrine forested wetlands (PFO) (Montrose West, PA Quadrangle; Lat. 41.799776°, Long. -75.877819°),

6. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 11,043 square feet (0.25 acre) of a palustrine forested wetlands (PFO) (Montrose West, PA Quadrangle; Lat. 41.799417°, Long. -75.877616°),

7. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 17 lineal feet of an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.799111°, Long. -75.877442°),

8. an earth disturbance right-of-way activity impacting 1,114 square feet of an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.799047°, Long. -75.877263°),

9. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 7,019 square feet (0.16 acre) of a palustrine emergent wetlands (PEM) and 6,146 square feet (0.14 acre) of palustrine scrub-shrub wetlands (PSS) (Montrose West, PA Quadrangle; Lat. 41.796958°, Long. -75.876010°),

10. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 50 lineal feet of a tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.796099°, Long. -75.875999°),

11. a temporary timber bridge crossing impacting 28 lineal feet of an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.796039°, Long. -75.876197°),

12. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 1,039 square feet (0.02 acre) of palustrine scrub-shrub wetlands (PSS) (Montrose West, PA Quadrangle; Lat. 41.795999°, Long. -75.876254°),

13. a temporary timber bridge crossing impacting 10 lineal feet of a tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.796079°, Long. -75.876254°),

14. a temporary timber bridge crossing impacting 135 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Lat. 41.796058°, Long. -75.876451°),

15. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 50 lineal feet of a tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.788815°, Long. -75.877347°),

16. a 10-inch natural gas pipeline and temporary timber bridge crossing impacting 91 lineal feet of a tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Lat. 41.786915°, Long. -75.877101°),

17. a temporary timber bridge crossing impacting 1,425 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Lat. 41.786334°, Long. -75.876816°).

The 10-inch diameter natural gas pipeline project is 1.2 miles in length and is located in Bridgewater Township, Susquehanna County. The project will result in 261 lineal feet of stream impacts, 13,076 square feet (0.30 acre) of PEM wetlands impacts, 7,937 square feet (0.18 acre) of PSS wetlands impacts, and 11,731 square feet (0.27 acre) of PFO wetlands impacts for the purpose of conveying natural gas gathering line for conveyance to market.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E2301220-027. MCBH Drexeline Plaza, LP, c/o MCB Real Estate, LLC, 2701 North Charles Street, Suite 404, Baltimore, MD 21218, Upper Darby Township, Delaware County. U.S. Army Corps of Engineers Philadelphia District.

To amend the existing permit associated with the redevelopment of Drexeline Shopping Center, to include work in and around the last 35 feet of the enclosed stream (box culvert) of Collen Brook (WWF, MF). The amended impacts include regrading, in-kind replacement of the last 35 feet of the box culvert, and riprap protect at the outlet, two (2) 4-inch buried waterlines, four (4) fire service 8-inch waterlines, ten (10) new or relocated utilities, one (1) 3-inch underground electric and telephone conduit, and two (2) overhead electric lines. Temporary and permanent impacts are amended to the following: 553 linear feet and 5,383 square feet of temporary stream impacts and 144 linear feet and 1,151 square feet of permanent stream impacts, temporary floodway impacts of 19,721 square feet and 27,325 square feet of permanent floodway impacts, and 1,710 temporary floodplain impacts and 175,208 permanent floodplain impacts. The site is approximately at 5100 State Road, Drexel Hill, PA (Lansdowne, PA) in Upper Darby Township, Delaware County. Latitude: 39.945014°, Longitude: -75.325956°. Application received: October 20, 2022. Issued: February 7, 2023.

E0901222-005. PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Bristol Township, Bucks County. U.S. Army Corps of Engineers Philadelphia District.

To replace one approximately 15-inch diameter electrical pole (Pole No. 85520) within a portion of the Federal Emergency Management Agency (FEMA) mapped regulatory floodway associated with Mill Creek and within the Levittown Historic District. This project is located within the vegetated area between Mill and Plumbridge Drives, Bristol Township, Bucks County (USGS PA Quadrangle). Latitude: 40.134643°, Longitude: -74.876463°. Application received: September 1, 2022. Issued: February 9, 2023.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

EA3603222-004. Ephrata Borough, 124 South State Street, Ephrata, PA 17522-2411, Ephrata Borough, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration project along 4,285 feet of Gross Run (WWF, MF) and unnamed tributaries to Gross Run (WWF, MF), including 1.) the installation and maintenance of eighteen constructed riffles; 2.) the construction and maintenance of seven stacked stone walls totaling 257 feet in length; 3.) the construction and maintenance of one rock toe structure; 4.) the construction and maintenance of one log sill; 5.) the construction and maintenance of thirty-one riffle cascades; 6.) the construction and maintenance of one rock deflector; 7.) the construction and maintenance of six rock sills; 8.) the installation and maintenance of fifteen cross rock vanes; and 9.) the installation and maintenance of 4 soil fabric lift areas, all impacting 348 square feet of palustrine forested wetlands and 0.56 acre of lacustrine wetlands and all for the purpose of reducing sediment loading and providing functional uplift in the streams. The project is located at the intersection of Akron Road and East Fulton Street (Latitude: 40.171037°N; Longitude: 76.175267°W) in Ephrata Borough, Lancaster County. Ephrata Borough proposes to re-establish 0.57 acre of palustrine wetlands onsite. Latitude: 40.171037°N, Longitude: -76.175267°W. Application received: May 11, 2022. Issued: February 7, 2023.

Contact: Waterways and Wetlands Program, 717-705-4802.

EA3603222-007. Elam Stoltzfus, 413 Cains Road, Gap, PA 17527-9732, Salisbury Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration project along approximately 2,200 feet of Indian Spring Run (CWF, MF) including the removal of existing structures and 1.) the installation and maintenance of 289 feet of rock toe protection; 2.) the construction and maintenance of five cross rock vanes; 3.) the construction and maintenance of twenty six log vanes; 4.) the construction and maintenance of twenty five mudsills totaling 838 feet in length; 5.) the construction and maintenance of a 20.0-foot wide by 52.0-foot long temporary equipment crossing; 6.) the construction and maintenance of a 12.0-foot wide by 30.0-foot long temporary equipment crossing; 7.) the construction and maintenance of twelve grade control riffles totaling 86 feet in length; 8.) the construction and maintenance of a 29.0-foot long brush mattress; and 9.) the grading and maintenance of 1,601 feet of streambank, all impacting 0.01 acre of palustrine emergent wetlands and all for the purposes of reducing sediment loading to the stream and enhancing instream habitat. The project is located at 413 Cains Road (Latitude: 40.015023°N; Longitude: 75.967435°W) in Salisbury Township, Lancaster County. Wetland impacts are de minimus and replacement is not required. Latitude: 40.015023°N, Longitude: -75.967435°W. Application received: November 7, 2022. Issued: February 9, 2023.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

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

Contact: RA-EPEASTERNNOGPRG@pa.gov.

ESCGP # 3 **ESG295822017-00**

Applicant Name **Chesapeake Appalachia, LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Rush Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) UNT to Deer Lick Creek (CWF)

Application received: July 22, 2022

Issued: February 8, 2023

ESCGP # 3 **ESG294123001-00**

Applicant Name **EXCO Resources PA, LLC**

Contact Person Philip Points

Address 12377 Merit Dr., Suite 1700

City, State, Zip Dallas, TX 75251

Township(s) Mifflin Township

County **Lycoming County**

Receiving Stream(s) and Classification(s) Mud Run (HQ-CWF), First Fork Larry's Creek (HQ-CWF)

Application received: January 4, 2023

Issued: February 7, 2023

ESCGP # 3 ESG294123002-00

Applicant Name **EQT ARO, LLC**
 Contact Person Todd Klaner
 Address 2462 Lycoming Creek Road
 City, State, Zip Williamsport, PA 17701
 Township(s) McHenry Township
 County **Lycoming County**
 Receiving Stream(s) and Classification(s) UNT Robbins
 Run (EV), Campbell Run (EV)
 Application received: January 6, 2023
 Issued: February 10, 2023

*Southwest Region: Oil and Gas Management Program,
 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-
 442-4000(717) 787-2814.*

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 ESG070222002-00

Applicant Name **Hyperion Midstream, LLC**
 Contact Person Ryan Dailey
 Address 5478 Logan Ferry Road
 City, State, Zip Murrysville, PA 15688
 Township(s) Plum Borough and Murrysville Township
 County **Allegheny County** and **Westmoreland County**
 Receiving Stream(s) and Classification(s) Discharge to
 UNT 5 to Tributary 42275 to Little Plum Creek and
 Trib 42275 to Little Plum Creek. Ch 93 classification
 WWF.

Application received: August 2, 2022
 Issued: February 8, 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.

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

Contact: Eric Supey, Environmental Program Manager.

Speedway # 6714, Storage Tank Facility ID # **48-23195**, 201 Broadway, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Speedway, LLC, P.O. Box 1500, Springfield, OH 44501 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

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

Contact: Ellen Roberts 814-332-6648.

Red Express Cranberry, Storage Tank Facility ID # **61-22924**, 7260 Route 322, Cranberry, PA 16319, Cranberry Township, **Venango County**. Insite Group, 611 S Irvine Ave, Sharon, PA 16146, on behalf of Red Express, P.O. Box 105, Cranberry, PA 16319 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 nonresidential Statewide health and site-specific standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Gregory Bowman, Environmental Group Manager, 717-705-4705.

Tanglewood Valero, Storage Tank Facility ID # **36-28236**, 1201 Lancaster Pike, Quarryville, PA 17566-9748, East Drumore Township, **Lancaster County**. Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808, on behalf of Shreeji Petroleum, Inc., 1201 Lancaster Pike, Quarryville, PA 17566-9748 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Kwik Fill S0035, Storage Tank Facility ID # **63-22429**, 1794 Route 136, Eighty Four, PA 15330, Somerset Township, **Wayne County**. Groundwater & Environmental

Services, Inc., 508 Thomson Park Drive, Cranberry, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential 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.

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

Contact: Eric Supey, Environmental Program Manager.

Klein's Auto Service, Storage Tank Facility ID # **48-29610**, 1169 Main Street, Hellertown, PA 18055, Hellertown Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Kathleen and Robert Klein, 1169 Main Street, Hellertown, PA 18055 submitted a Remedial Action Plan concerning remediation of soil contaminated with gasoline. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on February 13, 2023.

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

Contact: Ellen Roberts, 814-332-6648.

AFI Edinburg, Storage Tank Facility ID # **37-91014**, 645 Route 224, Edinburg, PA 16116, Mahoning Township, **Lawrence County**. Letterle & Associates, 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Reed Oil Company, 511 Montgomery Ave, New Castle, PA 16102 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on February 7, 2023.

Last Minit Mart, Storage Tank Facility ID # **10-14629**, 1674 Perry Hwy, Portersville, PA 16051, Muddycreek Township, **Butler County**. Letterle & Associates, 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Reed Oil Company, 511 Montgomery Ave, New Castle, PA 16102 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The combined plan and report nonresidential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on February 7, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Turkey Hill 193, Storage Tank Facility ID # **15-40730**, 2 E. Bridge Street, Spring City, PA 19475, Spring City Borough, **Chester County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Turkey Hill Minit Markets, LLC, c/o EG America, 165 Flanders Road, Westborough, MA 01581 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report did not demonstrate attainment of the site-specific standards and was disapproved by DEP on January 25, 2023.

Max Porting Intl, Storage Tank Facility ID # **15-43693**, 801 Valley Forge Road, Phoenixville, PA 19460, Schuylkill Township, **Chester County**. JPI Associates, Inc., 725 Market Street, Gloucester City, NJ 08030, on behalf of Multani Brothers, LLC, P.O. Box 326, Gloucester City, NJ 08030 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on February 2, 2023.

Cheltenham Sunoco, Storage Tank Facility ID # **51-01820**, 1700 W. Cheltenham Avenue, Philadelphia, PA 19126, City of Philadelphia, **Philadelphia County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Station Management Corporation, 439 South Governor Printz Boulevard, Essington, PA 19029 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan was acceptable to meet the site-specific standards and was approved by DEP on February 10, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Ganocy's Exxon, Storage Tank Facility ID # **30-27061**, State Route 88 South & Kovach Road, Greensboro, PA 15338, Greensboro Borough, **Greene County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Jacobs Petroleum Products, Inc., 424 South Washington Road, Allison Park, PA 15101 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on February 9, 2023.

[Pa.B. Doc. No. 23-266. Filed for public inspection February 24, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agriculture Energy Efficiency Rebate Program Deadline Extension

The Department of Environmental Protection (Department) announces the extension of the Agriculture Energy Efficiency Rebate Program (Program), which provides funding to eligible agricultural producers for agricultural energy efficiency projects in this Commonwealth. The Program provides rebates to assist agricultural producers with the purchase of light emitting diode (LED) lighting systems, efficient ventilation equipment and efficient milk pumping and cooling equipment.

To qualify for the rebate, applicants must meet the definition of a normal farming operation under the act of June 10, 1982 (P.L. 454, No. 133), referred to as the Pennsylvania Right to Farm Act (3 P.S. §§ 951—958), and applications must be submitted to the Department prior to project installation. Equipment purchases must have occurred after July 1, 2022, and installation must occur after the date of an approved rebate application. Installation costs up to \$500 may be included in the total project costs. The rebate will be offered on a first-come, first-served basis in the order in which applications are received. The application deadline is being extended from March 31, 2023, to June 30, 2023. Approved applicants will be issued a voucher, install eligible equipment and submit a payment request form with required documentation to the Department to receive rebate moneys.

The Program offers the following rebates:

- \$5,000 rebate for LED lighting systems (up to 50% of equipment purchase costs).
- \$5,000 rebate for efficient ventilation (up to 50% of equipment purchase costs).
- \$5,000 rebate for dairy equipment for milk pumping and refrigeration or cooling (up to 50% of equipment purchase costs).
- Installation costs of up to \$500 may be included for each technology category.

Applicants may apply under each category, but no more than a total of \$5,000 in rebates will be issued to any one applicant.

Information on how to apply is available on the Department's agriculture energy webpage at www.dep.pa.gov/agricultureenergy under "What's New."

Questions concerning the Program can be directed to Michelle Ferguson at miferguson@pa.gov or (570) 327-3783.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-267. Filed for public inspection February 24, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Electrifying Trucks for Cleaner Air in Our Communities: The Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Pilot Grant Program; Application Deadline Extension

The Department of Environmental Protection (Department) announces the extension of the application solicitation closing date for the new Medium- and Heavy-Duty Zero-Emission Vehicle (MHD-ZEV) Fleet Pilot Grant Program (Program), which is a Driving PA Forward Initiative funding opportunity. The original application deadline of March 1, 2023, has been extended to 12 a.m. on March 31, 2023.

The Department is seeking applications for transformational local freight and port drayage truck projects that will replace eligible diesel-powered, Class 4—8 trucks, with MHD-ZEVs. Public and private entities that operate eligible diesel-powered fleets throughout this Commonwealth are eligible to apply. These entities may include municipal authorities, political sub-divisions, State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, metropolitan or rural planning organizations and tribal governments.

Up to \$13 million will be available for award under this Program. Applicants may request and receive reimbursement for up to the following: 75% of total project costs for nongovernment applicants; 90% for government applicants; and 100% for designated financially distressed municipalities under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712). Eligible costs include the purchase of eligible MHD-ZEVs and purchase and installation of related electric vehicle charging infrastructure. Prospective applicants are required to participate in a virtual preapplication meeting with Department staff before they submit a funding application. Grant recipients will be required to collect and report 2 years of operational data on their new MHD-ZEV fleets to the Department, to support the development of case studies that are to be published for the benefit of fleet owners and operators considering zero emission vehicle transportation solutions.

A preapplication meeting with the Department is required of all applicants as a prerequisite to apply for this funding opportunity. The Department will hold preapplication meetings through 4 p.m. on March 1, 2023. Prospective applicants who have not scheduled and participated in a preapplication meeting with the Department by March 1, 2023, will be ineligible to apply for funding under this Program.

The Program guidelines, application instructions and an informational webinar are available on the Department's Driving PA Forward webpage at <https://dep.pa.gov/DrivingPAForward>. Applicants can contact the Department by e-mail at RA-EPVWMITIGATION@pa.gov or (717) 787-9495 to arrange the required preapplication meeting, submit questions or request clarification about the presentation or the Program documents.

Applications must be submitted through the Department of Community and Economic Development's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx>. The Department will review and score applications after the submission period end date on March 31, 2023.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-268. Filed for public inspection February 24, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Interstate Pollution Transport Reduction; Proposed 2023 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for public comment on the proposed Nonelectric Generating Unit (non-EGU) 2023 Ozone Season (OS) Nitrogen Oxide (NO_x) emission limitations established for each affected new and existing non-EGU under 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO_x trading programs). The 17-day public comment period will end on March 13, 2023.

Specifically, 25 Pa. Code § 145.8(d) retains the non-EGU NO_x Trading Program budget of 3,619 tons of NO_x, less a specified adjustment amount, to serve as a Statewide OS NO_x emissions cap for new and existing non-EGUs. This NO_x emissions cap also applies to EGUs that are subject to the NO_x Budget Trading Program but are not subject to the Clean Air Interstate Rule (CAIR) or its replacement, the United States Environmental Protection Agency (EPA) administered Cross-State Air Pollution Rule (CSAPR). If the total NO_x emissions from all the non-EGUs and EGUs that are not subject to CAIR or CSAPR exceed the Statewide OS NO_x emissions cap of 3,438 tons, the owners and operators of these units must comply with the NO_x emission limitations established under 25 Pa. Code § 145.8(d). The proposed NO_x emission limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO_x Budget Trading Program. The difference between the calculated total OS NO_x emission limitation of 3,440 tons of NO_x for all units in the following Table 1 and the total NO_x emission limitation of 3,438 tons of NO_x is due to rounding errors that occurred when calculating the NO_x limit for each individual unit.

The Statewide OS NO_x emissions cap for 2022 was not exceeded. Therefore, the owners and operators of non-EGUs do not need to purchase allowances to meet their 2022 OS NO_x emission limitations established under 25 Pa. Code § 145.8(d). Owners and operators of the affected non-EGUs reported 702 tons of NO_x emissions to the EPA for the 2022 OS (May through September). The Department's permanent retirement of 3,438 NO_x allowances under 25 Pa. Code § 145.8(b) covers all the NO_x emissions from the affected non-EGUs in 2022.

In addition to the 3,438-ton non-EGU cap previously described, 25 Pa. Code § 145.8(d)(12) provides 181 tons of NO_x emissions annually for non-EGUs and the other units that need to address their limits or emissions through accounting adjustments, including units that previously participated in the NO_x Budget Trading Program. The Department may use a portion of the 181 tons of the budgeted NO_x emissions, if necessary, to address rounding issues, mistakes or miscalculations. This year, the Department is proposing to use 2 of the 181 tons of NO_x emissions set aside from the non-EGU NO_x Budget Trading Program for the accounting adjustment that is needed due to the rounding errors that occurred when calculating individual unit NO_x emission limits to meet the 3,438-tons non-EGU NO_x emissions cap. Rounding resulted in an allocation limit totaling 3,440 tons of NO_x, which is 2 allowances above the 3,438-ton non-EGU NO_x emissions cap. The use of 2 additional tons of NO_x emissions remains within the total non-EGU NO_x Budget Trading Program allowance of 3,619 tons of NO_x.

In March of 2022, the Sunoco Partners Marketing & Terminals (SPMT)—Marcus Hook Industrial Complex changed its name to the Energy Transfer Marketing & Terminals, LP (ETMT)—Marcus Hook Terminal. The facility's ownership was originally transferred from Sunoco (R&M) to SPMT in 2013. Other facilities listed in Table 1 as follows have changed their facility names but not their ownership in 2022, including Veolia Energy Philadelphia—Edison Station, which changed its name to Vicinity Energy Philadelphia—Edison Station and Veolia Energy Philadelphia—Schuylkill Station, which changed its name to Vicinity Energy Philadelphia—Schuylkill Station. The Philadelphia Refinery was closed in 2022 and Unit 150137 has been permanently retired.

The following "Proposed Non-EGU 2023 Ozone Season NO_x Emission Limits" in Table 1 list the following: 'facility name,' 'ORIS code,' 'unit ID' for each non-EGU unit, '2022 NO_x mass' or the 2022 OS NO_x emissions, 'heat input' for the 2022 OS, the 'county' location of the facility, the calculated '2023 rate' and '2023 OS limit.'

Interested persons may submit written comments on the proposed non-EGU 2023 OS NO_x Emission Limits through Monday, March 13, 2023. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Proposed non-EGU 2023 Ozone Season NO_x Emission Limits" as the subject line for written communication.

Questions concerning this notice should be directed to Randy Bordner at ranbordner@pa.gov or (717) 772-3921. TDD users may contact the Pennsylvania Hamilton Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Table 1: Proposed Non-EGU 2023 Ozone Season NO_x Emission Limits

| <i>Facility Name</i> | <i>ORIS Code</i> | <i>Unit ID</i> | <i>2022 NO_x Mass (tons)</i> | <i>Heat Input (MMBtu)</i> | <i>County</i> | <i>2023 Rate (lbs/MMBtu)</i> | <i>2023 OS Limit (tons NO_x)</i> |
|---|------------------|----------------|--|---------------------------|---------------|------------------------------|--|
| AdvanSix Resins & Chemicals, LLC | 880007 | 52 | 20.764 | 617,303.8 | Philadelphia | 0.34 | 105 |
| Armagh Compressor Station | 880071 | 31301 | 0 | 0 | Indiana | 0.34 | 0 |
| Bernville Station | 880049 | 32001 | 0 | 0 | Berks | 0.34 | 0 |
| Domtar Paper Company, LLC | 54638 | 40 | 12.93 | 528,582.5 | Elk | 0.34 | 90 |
| Domtar Paper Company, LLC | 54638 | 41 | 16.476 | 668,625.4 | Elk | 0.34 | 113 |
| Entriken Compressor Station | 880072 | 31601 | 0 | 0 | Huntingdon | 0.34 | 0 |
| ETMT—Marcus Hook Terminal | 880107 | AB01 | 2.572 | 152,481.3 | Delaware | 0.34 | 26 |
| ETMT—Marcus Hook Terminal | 880107 | AB03 | 5.59 | 431,681.2 | Delaware | 0.34 | 73 |
| ETMT—Marcus Hook Terminal | 880107 | AB04 | 5.708 | 646,325.2 | Delaware | 0.34 | 110 |
| Merck & Company—West Point | 52149 | 39 | 7.426 | 173,088.4 | Montgomery | 0.34 | 29 |
| Merck & Company—West Point | 52149 | 40 | 21.864 | 1,548,397 | Montgomery | 0.34 | 262 |
| Pixelle Specialty Solutions | 50397 | 36 | 237.587 | 1,812,508 | York | 0.34 | 307 |
| Pixelle Specialty Solutions | 50397 | 38 | 13.459 | 613,315.9 | York | 0.34 | 104 |
| Pixelle Specialty Solutions | 50397 | 39 | 17.305 | 681,968.7 | York | 0.34 | 116 |
| Merck & Company—West Point | 52149 | 40 | 21.864 | 1,548,397 | Montgomery | 0.34 | 262 |
| Pixelle Specialty Solutions | 50397 | 36 | 237.587 | 1,812,508 | York | 0.34 | 307 |
| Pixelle Specialty Solutions | 50397 | 38 | 13.459 | 613,315.9 | York | 0.34 | 104 |
| Pixelle Specialty Solutions | 50397 | 39 | 17.305 | 681,968.7 | York | 0.34 | 116 |
| Procter & Gamble Paper Products | 50463 | 328001 | 113.574 | 1,915,753 | Wyoming | 0.34 | 325 |
| Procter & Gamble Paper Products | 50463 | 328002 | 8.671 | 1,942,378 | Wyoming | 0.34 | 329 |
| Shermans Dale Station | 880050 | 31801 | 0 | 0 | Perry | 0.34 | 0 |
| Trainer Refinery | 880025 | 34 | 1.602 | 719,031.3 | Delaware | 0.34 | 122 |
| Trainer Refinery | 880025 | 35 | 1.609 | 748,862.4 | Delaware | 0.34 | 127 |
| Trainer Refinery | 880025 | 53 | 0.968 | 461,920.3 | Delaware | 0.34 | 78 |
| US Steel (Clairton Coke) | 50729 | CLBLR1 | 78.594 | 1,109,875 | Allegheny | 0.34 | 188 |
| US Steel (Clairton Coke) | 50729 | CLBLR2 | 72.64 | 1,105,528 | Allegheny | 0.34 | 187 |
| US Steel (Edgar Thomson) | 50732 | ETBLR1 | 13.093 | 1,231,761 | Allegheny | 0.34 | 209 |
| US Steel (Edgar Thomson) | 50732 | ETBLR2 | 17.482 | 1,459,844 | Allegheny | 0.34 | 247 |
| US Steel (Edgar Thomson) | 50732 | ETBLR3 | 13.097 | 1,384,284 | Allegheny | 0.34 | 235 |
| Vicinity Energy Philadelphia—Edison Station | 880006 | 1 | 0 | 0 | Philadelphia | 0.34 | 0 |
| Vicinity Energy Philadelphia—Edison Station | 880006 | 2 | 0.763 | 4,859.2 | Philadelphia | 0.34 | 1 |

| <i>Facility Name</i> | <i>ORIS Code</i> | <i>Unit ID</i> | <i>2022 NO_x Mass (tons)</i> | <i>Heat Input (MMBtu)</i> | <i>County</i> | <i>2023 Rate (lbs/MMBtu)</i> | <i>2023 OS Limit (tons NO_x)</i> |
|---|------------------|----------------|--|---------------------------|---------------|------------------------------|--|
| Vicinity Energy Philadelphia—Edison Station | 880006 | 3 | 6.383 | 38,627.7 | Philadelphia | 0.34 | 7 |
| Vicinity Energy Philadelphia—Edison Station | 880006 | 4 | 6.577 | 40,255.9 | Philadelphia | 0.34 | 7 |
| Vicinity Energy Philadelphia—Schuylkill | 50607 | 23 | 0 | 0 | Philadelphia | 0.34 | 0 |
| Vicinity Energy Philadelphia—Schuylkill | 50607 | 24 | 0 | 0 | Philadelphia | 0.34 | 0 |
| Vicinity Energy Philadelphia—Schuylkill | 50607 | 26 | 3.935 | 87,481.02 | Philadelphia | 0.34 | 15 |
| Vicinity Energy Philadelphia—Schuylkill | 50607 | RSB1 | 0.435 | 77,436.89 | Philadelphia | 0.34 | 13 |
| Vicinity Energy Philadelphia—Schuylkill | 50607 | RSB2 | 0.479 | 86,881.71 | Philadelphia | 0.34 | 15 |
| <i>Total:</i> | | | 701.583 | 20,289,058 | | | 3,440 |

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-269. Filed for public inspection February 24, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Rates for Calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement—Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), 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 Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface and underground coal mining; general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are de-

scribed in Technical Guidance Document 562-4000-102, “Increased Operation and Maintenance Costs of Replacement Water Supplies,” which is available on the Department’s eLibrary web site at <http://www.depgreenport.state.pa.us/elibrary/> (select “Technical Guidance Final Documents,” then “Mining Programs” or use the eLibrary search function to search by document name or document number).

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2018—2022, resulting in a rate of 3.19%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2018—2022 resulting in a rate of 2.41%.

For background information and supporting documentation regarding the rates, contact the Department’s Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, RA-EPMiningPrograms@pa.gov, (717) 787-5103.

Effective Date

The rates in this notice will become effective on April 1, 2023. They will remain in effect until new rates are published. It is anticipated that these new rates will be published in February 2024, to be effective April 1, 2024.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-270. Filed for public inspection February 24, 2023, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled a regular Council meeting at 10 a.m. on March 2, 2023. An agenda will be available 24 hours in advance at <https://www.phc4.org/council/calendar.htm>.

The public is invited to participate. Contact rgreenawalt@phc4.org at least 24 hours in advance for participation instructions.

BARRY BUCKINGHAM,
Executive Director

[Pa.B. Doc. No. 23-271. Filed for public inspection February 24, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Mutual to Stock Conversion and Subsequent Merger of Protection Mutual Insurance Company of Littlestown with and into Community Insurance Company

An application has been received requesting approval of mutual to stock conversion and the subsequent merger of Protection Mutual Insurance Company of Littlestown, a mutual property insurance company organized under the laws of the Commonwealth, with and into Community Insurance Company, a stock property insurance company organized under the laws of the Commonwealth. The filing was made under the Insurance Holding Companies Act (40 P.S. §§ 911-A—929-A).

Persons wishing to comment on the grounds of public or private interest in this conversion and merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Lori Rumpf, lrumpf@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-272. Filed for public inspection February 24, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance

Public Meeting held
February 9, 2023

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

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance; M-2023-3037727

Tentative Order

By the Commission:

Pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, the Commission is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers. . . shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe. . . .

Consistent with this broad statutory charge, the Commission promulgated regulations governing motor carrier insurance requirements. 52 Pa. Code Chapter 32. Those regulations provide, *inter alia*, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. 52 Pa. Code §§ 32.11, 32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection for bodily injury, death, or property damage. 52 Pa. Code § 32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. The Commission's regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h) *Compliance.* Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code § 32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. The Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to maintain acceptable evidence of insurance, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa.C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.
2. The Secretary’s Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.
3. The Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.
4. The Secretary shall file this Tentative Order at each motor carrier’s assigned docket number.
5. To the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

6. Alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier’s responsibility to ensure compliance. Motor carriers can verify their insurance status at our Web Site at <https://www.puc.pa.gov/search/utility-authority-search/>.

Additionally, motor carriers may call our insurance hotline at (717)-787-1227 for more information.

7. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary’s Bureau canceling the carrier’s applicable Certificate of Public Convenience. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier’s vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

8. Upon issuance of the Secretarial Letter described in Ordering Paragraph No. 7 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. The Secretary serve a copy of the Secretarial Letter upon the Commission’s Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, Bureau of Administration, the Pennsylvania Department of Revenue—Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 9, 2023

ORDER ENTERED: February 9, 2023

Appendix A

Carriers Without Acceptable Evidence of Insurance

| <i>Utility Code</i> | <i>Utility Name</i> | <i>Suspended Authorities</i> | <i>Insurance Type Not on File</i> |
|---------------------|----------------------------------|----------------------------------|-----------------------------------|
| 6223999 | NASSAH GROUP, LLC | Contract Carrier and Paratransit | Liability |
| 630369 | EXECUTIVE TRANSPORTATION COMPANY | Limousine | Liability |
| 6310493 | J. B. TAXI, LLC | Taxi | Liability |
| 6317318 | WEBB’S TRANSPORT, LLC | Taxi | Liability |
| 6318074 | GO GREEN TAXI, LLC | Taxi | Liability |
| 633450 | DEMETRIOS J. HERRON | Limousine | Liability |
| 640234 | TROPIANO AIRPORT SHUTTLE, INC. | Airport Transfer | Liability |
| 6411152 | ASAP TRANSPORTATION, INC. | Paratransit | Liability |
| 6411287 | TODD ALAN HUGENDUBLER | Group and Party 16 or Greater | Liability |
| 6412328 | LL TROLLEY EXPRESS, LLC | Group and Party 16 or Greater | Liability |

| <i>Utility Code</i> | <i>Utility Name</i> | <i>Suspended Authorities</i> | <i>Insurance Type Not on File</i> |
|---------------------|---|-------------------------------|-----------------------------------|
| 6413872 | AMAZING TOURS, INC. | Group and Party 16 or Greater | Liability |
| 6414486 | GALEN E. SWEIGART, JR. | Paratransit | Liability |
| 6415050 | MONDIAL MOBILE MOTORS, LLC | Group and Party 16 or Greater | Liability |
| 641560 | STEEL, BARBARA ANN | Paratransit | Liability |
| 6417202 | US TRANSIT AUTHORITY, LLC | Paratransit and Limousine | Liability |
| 6417504 | PREMIER LIMOUSINE, LLC | Limousine and GP11—15 | Liability |
| 6418101 | NEVIN HORST | Paratransit | Liability |
| 641819 | VM TRANSIT, INC. | Paratransit | Liability |
| 6419305 | DAVID E. GINGRICH | Paratransit | Liability |
| 6419347 | DESIGNATED DRIVER, LLC | Airport Transfer and GP11—15 | Liability |
| 642015 | EAGLE WOLFINGTON LEASING CORP. | Group and Party 16 or Greater | Liability |
| 6420863 | MED SWIFT TRANSPORTATION SERVICES, LLC | Paratransit | Liability |
| 6421286 | ON CALL TRANS, LLC | Paratransit | Liability |
| 6421544 | JOSEPH L. SANDERS, III | Paratransit | Liability |
| 6422542 | GOLDEN CARING TRANSIT CORP. | Paratransit | Liability |
| 6422722 | HOLLAND HOMECARE, LLC | Paratransit | Liability |
| 6422836 | ALPHA TRANS, LLC | Paratransit | Liability |
| 6423248 | WYNN TRANSIT, LLC | Paratransit | Liability |
| 6423700 | TRANSPORTATION NETWORK SERVICES, LLC | Airport Transfer | Liability |
| 6423710 | T. P. C. TRANSPORTATION, LLC | Paratransit | Liability |
| 6423833 | FOREVER FAMILY HOMECARE AGENCY, LLC | Paratransit | Liability |
| 6423867 | GREAT VALLEY AMBULANCE SQUAD, LLC | Paratransit | Liability |
| 6424426 | BEST EMPLOYEE SHUTTLE SERVICES, INC. | Paratransit | Liability |
| 6424620 | PENNSYLVANIA TROLLEY CARS, LLC | Group and Party 16 or Greater | Liability |
| 6424728 | TRAVEL FREE, LLC | Paratransit | Liability |
| 6424915 | EXPEDITED RESPONSE TRANSPORTATION COMPANY | Paratransit | Liability |
| 700882 | JOHN WASKO | Truck | Cargo |
| 701100 | FRANK JENNINGS | Truck | Liability |
| 701171 | R. B. CRISTEL, INC. | Truck | Liability and Cargo |
| 701838 | DAVIDSON, RANDALL | Truck | Cargo |
| 702883 | DANIEL G. KEHOE | Truck | Liability and Cargo |
| 703709 | WORTH AND SONS HAULING, INC. | Truck | Liability and Cargo |
| 703877 | JOHN S. MYERS, JR. | Truck | Liability and Cargo |
| 706037 | BLACK HORSE CARRIERS, LLC | Truck | Cargo |
| 706783 | DAVID J. KEELEY | Truck | Liability and Cargo |
| 707451 | R. W. BENDER | Truck | Liability |
| 707622 | KRISSINGER, SCOTT M. | Truck | Liability and Cargo |
| 708932 | EXPRESS CARRIERS, LLC | Truck | Liability |

| <i>Utility Code</i> | <i>Utility Name</i> | <i>Suspended Authorities</i> | <i>Insurance Type Not on File</i> |
|---------------------|--|----------------------------------|-----------------------------------|
| 783865 | GERALD J. KOLOSINSKY | Truck | Liability |
| 824920 | POTTSVILLE MOVING & STORAGE COMPANY, INC. | Truck—Household HHG and property | Liability and Cargo |
| 8910221 | GEORGE F. MARTIN, JR. | Truck | Liability |
| 8910598 | P A K TRANSPORT, LLC | Truck | Liability |
| 8911159 | FRANK MARTUCCIO ASPHALT & PAVING, INC. | Truck | Liability |
| 8911719 | DGIEN TRUCKING, INC. | Truck | Cargo |
| 8911738 | MODERN MOTOR COACHES, INC., T/A MODERN PIANO MOVING | Household Goods Carrier | Liability |
| 8912179 | RICHARD J. REXER T/A REXER'S | Truck | Cargo |
| 8912562 | MARKS BROTHERS HOLDINGS, LLC | Truck | Cargo |
| 8913406 | TIMS TRUCKING, LLC | Truck | Liability and Cargo |
| 8913503 | HOLCOMBE ENERGY RESOURCES, LLC | Truck | Cargo |
| 8913679 | KEVIN D. RATHBUN | Truck | Liability and Cargo |
| 8913948 | JASON BRADLEY ENTERPRISES, INC. | Truck | Cargo |
| 8914043 | PROUT TRUCKING, LLC | Truck | Liability and Cargo |
| 8914662 | CHARLES E. CLUKEY, JR. | Truck | Cargo |
| 8915844 | ROBERT RAY ANDERSON TRUCKING, LLC | Truck | Liability and Cargo |
| 8916036 | JOHN R. EVANS | Truck | Liability and Cargo |
| 8916074 | RIVERFRONT MOVING & STORAGE, LLC | Household Goods Carrier | Liability |
| 8916214 | BULLHEAD TRUCKING, LLC | Truck | Cargo |
| 8916764 | HINDMAN & ISAACS MOVING & STORAGE, INC. | Truck—HHG and property | Cargo |
| 8916929 | BAKER'S HAULING, LLC | Truck | Liability and Cargo |
| 8916992 | TRIPLE L. EXPRESS, LLC | Truck | Liability and Cargo |
| 8917338 | GREEN LEAF LANDSCAPING AND PROPERTY MAINTENANCE, LLC | Truck | Liability |
| 8917420 | SAND BLAST TRUCKING, LLC | Truck | Cargo |
| 8917459 | SERVICE EMPORIUM, INC. | Household Goods Carrier | Liability |
| 8917805 | MIDDLEBURG RENTALS, LLC | Truck | Cargo |
| 8917864 | TERRY DIPPERY TRUCKING, LLC | Truck | Liability |
| 8918483 | K UNSTOPPABLE TRUCKING, LLC | Truck | Liability and Cargo |
| 8918644 | TOP SHELF TRUCKING, INC. | Truck | Liability |
| 8918820 | Y & D's DELIVERIES, LLC | Truck | Liability and Cargo |
| 8918846 | YODER LOGISTICS, LLC | Truck | Liability |
| 8919508 | DAVID SHANK | Truck | Liability and Cargo |
| 8919603 | RJ TRANSPORT, LLC | Truck | Liability and Cargo |
| 8919888 | LOWELL D. HARTZELL CONTRACTOR, INC. | Truck | Liability and Cargo |
| 8920251 | MOTI LOGISTICS, LLC | Truck | Liability and Cargo |
| 8920451 | BSJ & P TRANSPORTATION, INC. | Truck | Cargo |
| 8920528 | S&S SHIPPING, LLC | Truck | Liability and Cargo |
| 8920728 | MILESTONE RELOCATION SOLUTIONS, INC. | Household Goods Carrier | Liability and Cargo |
| 8920865 | LOAD RIDER LOGISTICS, LLC | Truck | Cargo |
| 8921032 | SUNNYSIDE TRUCKING, LLC | Truck | Cargo |
| 8921231 | MJ HUYA TRUCKING, LLC | Truck | Liability and Cargo |

| <i>Utility Code</i> | <i>Utility Name</i> | <i>Suspended Authorities</i> | <i>Insurance Type Not on File</i> |
|---------------------|--|------------------------------|-----------------------------------|
| 8921382 | COUNTRY VIEW TRANSPORT, LLC | Truck | Liability and Cargo |
| 8921611 | SOUTH FLORIDA GRASS MASTERS HOLDING, INC. | Truck | Liability |
| 8921627 | KEYSTONE APPLICATORS AND FARMS, LLC | Truck | Cargo |
| 8921636 | DORSETT TRUCKING, LLC | Truck | Liability |
| 8921707 | JUAN GALAN | Truck | Liability and Cargo |
| 8921910 | ARKHAM FREIGHTWAYS, LLC | Truck | Liability and Cargo |
| 8921926 | NORTH POND TRUCKING, LLC | Truck | Cargo |
| 8921970 | CIBRALIC TRANSPORT, LLC | Truck | Cargo |
| 8922421 | GRANTS ENTERPRISES, LLC | Truck | Liability and Cargo |
| 8922447 | MARIA TRANSPORT, LLC | Truck | Liability and Cargo |
| 8922598 | SET IN STONE BY KRONE, LLC | Truck | Cargo |
| 8922736 | MARK T. BOYLE 570, LLC | Truck | Liability and Cargo |
| 8922772 | AE EXPRESS, INC. | Truck | Liability and Cargo |
| 8922955 | W. MILLER & SONS TRUCKING, LLC | Truck | Liability |
| 8923057 | LITTLE DIGGERS EXCAVATING & HARDSCAPE, LLC | Truck | Liability |
| 8923070 | MISH LOGISTICS, LLC | Truck | Liability and Cargo |
| 8923139 | VALKYRIE TRANSPORT, INC. | Truck | Liability and Cargo |
| 8923229 | LV HOME SERVICES, LLC | Truck | Liability |
| 8923290 | S&I TRUCKING, INC. | Truck | Liability |
| 8923369 | CAR MART AUTO CENTER, INC. | Truck | Liability |
| 8923451 | CMWJR, LLC | Truck | Cargo |
| 8923559 | DONALD E. HERBSTER, JR. | Truck | Liability and Cargo |
| 8923579 | THREE BROTHERS SOLIDIFICATION, LLC | Truck | Liability and Cargo |
| 8923584 | AAA ROAD WARRIOR TNT REPAIR, INC. | Truck | Liability |
| 8923598 | AARON S. SOBRINSKI | Truck | Liability and Cargo |
| 8923624 | APACHE TRANSPORT, LLC | Truck | Liability and Cargo |
| 8923634 | TYLER TRUCKING AND EXCAVATING, LLC | Truck | Cargo |
| 8923638 | GILLETTE LOGISTICS AND HOLDINGS, LLC | Truck | Liability |
| 8923645 | FAMILIA TRUCKING, LLC | Truck | Liability and Cargo |
| 8923746 | P&M LOGISTICS, LLC | Truck | Liability and Cargo |
| 8923871 | NEWMANS TRANSPORT, LLC | Truck | Cargo |
| 8923925 | J. CLARK TRANSPORT, LLC | Truck | Liability and Cargo |
| 8924054 | TIMEIT LOGISTICS, LLC | Truck | Liability and Cargo |
| 8924088 | LANDSMAN LOGISTICS, LLC | Truck | Liability and Cargo |
| 8924096 | RUSTY DOG TRUCKING, LLC | Truck | Liability and Cargo |
| 8924120 | A. RUTLEDGE TRUCKING, LLC | Truck | Liability and Cargo |
| 8924251 | KERM LOGISTICS, LLC | Truck | Liability and Cargo |
| 8924321 | C. L. STEWART, LLC | Truck | Liability and Cargo |
| 8924340 | NICKS HAULING, LLC | Truck | Liability |
| 8924370 | SUREWAY TRANSPORTATION, LLC | Truck | Liability and Cargo |
| 8924397 | DAVID CUMMINGS | Truck | Liability and Cargo |
| 8924445 | RESURRECTED LOGISTICS, LLC | Truck | Liability |
| 8924448 | KIESEL, LLC | Truck | Liability and Cargo |
| 8924474 | JD HAULING SERVICES, LLC | Truck | Liability and Cargo |
| 8924547 | PENN STATE TRANS, LLC | Truck | Liability and Cargo |
| 8924585 | FULL THROTTLE HAULING, LLC | Truck | Liability |
| 8924634 | LEGION LOGISTICS, LLC | Truck | Cargo |

| <i>Utility Code</i> | <i>Utility Name</i> | <i>Suspended Authorities</i> | <i>Insurance Type Not on File</i> |
|---------------------|--|------------------------------|-----------------------------------|
| 8924663 | 603 TRANSPORT, LLC | Truck | Liability and Cargo |
| 8924690 | YOENDI TRANSPORT, LLC | Truck | Liability and Cargo |
| 8924711 | SWISHER TRANSPORT, LLC | Truck | Liability and Cargo |
| 8924725 | FREIGHTHAUL, LLC | Truck | Cargo |
| 8924733 | DOUGLAS L. CLARK | Truck | Liability |
| 8924748 | ROAD KINGS TRUCKING, LLC | Truck | Liability and Cargo |
| 8924800 | TRUE GRADE EXCAVATING, LLC | Truck | Liability and Cargo |
| 8924857 | BLY BROTHERS, LLC | Truck | Liability and Cargo |
| 8924865 | WILLIAM E. ZURN | Truck | Liability and Cargo |
| 8924952 | OLE TIMERZ TRUCKING, LLC | Truck | Liability and Cargo |
| 8924960 | KEYSTONE TRUCK LOGISTICS, LLC | Truck | Liability and Cargo |
| 8925110 | S. M. KEYS, INC. | Truck | Liability |
| 8925141 | METAPHASE TRANSPORT SERVICES, LLC | Truck | Liability and Cargo |
| 8925158 | R. B. DELIVERY, LLC | Truck | Liability and Cargo |
| 8925173 | BOZZ LADY TRUCKING, LLC | Truck | Liability and Cargo |
| 8925242 | JM WANNER TRUCKING, LLC | Truck | Liability |
| 8925290 | OLYMPIAN LOGISTICS, LLC | Truck | Liability and Cargo |
| 8925307 | COURIERSTAT365, LLC | Truck | Liability and Cargo |
| 8925360 | VILLEGAS TRANSPORT, LLC | Truck | Liability and Cargo |
| 8925370 | LACKAWANNA MOVERS, LLC | Truck | Liability and Cargo |
| 8925391 | XTREME AUTO TRANSPORT, LLC | Truck | Liability and Cargo |
| 8925420 | BLUE GREMLIN LOGISTICS, LLC | Truck | Liability and Cargo |
| 8925538 | GERALD DENNIS BEY EXPRESS ENTERPRISES, LLC | Truck | Liability and Cargo |
| 8925599 | ELIJAH BAKER | Truck | Liability and Cargo |

[Pa.B. Doc. No. 23-273. Filed for public inspection February 24, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellation of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
February 9, 2023

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

*Electric Generation Supplier License Cancellation of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2023-3037455*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of January 31, 2023, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

| <i>Docket Number</i> | <i>Company Name</i> | <i>Financial Security Expiration Date</i> | <i>Commission Approved Amount or Language</i> |
|----------------------|------------------------------|---|---|
| A-2011-2234410 | ENGIE INSIGHT SERVICES, INC. | 1/26/2023 | Yes |
| A-2021-3024022 | GOTHAM ENERGY 360, LLC | 1/10/2023 | Yes |
| A-2015-2501712* | GREENLIGHT ENERGY, INC. | 1/7/2023 | No |
| A-110072 | RICHARDS ENERGY GROUP, INC. | 1/23/2023 | Yes |

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2023-3037455 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary

Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 9, 2023

ORDER ENTERED: February 9, 2023

[Pa.B. Doc. No. 23-274. Filed for public inspection February 24, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. National Fuel Gas Distribution Corporation

Public Meeting held
February 9, 2023

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

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. National Fuel Gas
Distribution Corporation; M-2022-3024040*

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement), filed on December 27, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and National Fuel Gas Distribution Corporation (NFGDC or the Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E's Gas Safety Division (Safety Division), in connection with a natural gas main hit on November 2, 2020, resulting in a natural gas leak and subsequent fire inside of a nearby apartment building in Erie County, Pennsylvania.¹ Both Parties filed a Statement in Support of the Settlement (Statement in Support). Further, both Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy (Policy Statement). See Settlement at ¶¶ 34, 42 *infra*.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.²

I. History of the Proceeding

This matter concerns allegations regarding NFGDC, a natural gas distribution company that provides service to the public for compensation.³ Settlement at ¶ 8. The allegations against NFGDC are in connection with a gas main located in front of a four-unit residential apartment building at 1202 Brown Avenue, Erie, Pennsylvania (Brown Ave Building). Settlement at ¶¶ 9, 14, 19. The gas main was hit on November 2, 2020, which led to a natural gas leak and subsequent fire in the basement of the Brown Ave Building, resulting in the evacuation of the Brown Ave Building's residents. Settlement at ¶¶ 11, 17, 19.

I&E and NFGDC held a series of discussions and negotiated compromises on the issues addressed herein,

¹ As noted, *infra*, residents of the apartment building were evacuated and no injuries or fatalities resulted from this incident. Settlement at ¶¶ 17-18.

² As discussed, *infra*, because of the service territory involved in this matter as indicated in the Settlement, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

³ NFGDC is a "public utility," as defined at 66 Pa.C.S. § 102. Settlement at ¶ 4.

agreeing to resolve this matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at ¶¶ 31, 44.

As previously noted, on December 27, 2022, I&E and NFGDC filed the instant Settlement. Also, as noted earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. See Appendix B and C to Settlement, which are Statements of Support filed by I&E and NFGDC, respectively.⁴

II. Background

A. Chronology of Events

On November 1, 2020, at approximately 9:28 p.m., Parkside Utility Construction, LLC (Parkside) placed an Emergency One Call Ticket (Emergency Ticket) with the Pennsylvania One Call System, at Serial No. 20203060219, to replace a fallen utility pole located in front of the Brown Ave Building. On November 1, 2020, at approximately 10:22 p.m., NFGDC responded to the Emergency Ticket and marked out NFGDC's underground facilities around the area of the Brown Ave Building. Settlement at ¶¶ 9-10.

On November 2, 2020, at approximately 12:30 a.m., during the installation of the replacement utility pole, Parkside damaged NFGDC's medium pressure main. The main was a two-inch plastic main with a maximum allowable operating pressure (MAOP) of 48 pounds per square inch gauge (psig).⁵ At the time that the main was damaged, the operating pressure measured 27 psig. Settlement at ¶¶ 11-12, 23.

On November 2, 2020, at approximately 12:45 a.m., NFGDC arrived on-site in response to the damaged gas main and found high gas readings in bar holes at the northeast corner of the Brown Ave Building. Settlement at ¶¶ 13-14. NFGDC decided to isolate the damaged gas main by "squeezing [it] off" on each side of the damage. Settlement at ¶ 15. The nearest isolation valves to the damaged main were located at Cranberry and 20th Streets, Plum and 26th Streets, Elmwood and 26th Streets, and on Greengarden Avenue. Settlement at ¶ 16.

On November 2, 2020, at approximately 1:30 a.m., before the flow of gas could be stopped, gas moved into the basement of the Brown Ave Building, where a fire ignited and, consequently, residents of the Brown Ave Building were evacuated. The fire was quickly contained and there were no injuries or fatalities. Settlement at ¶¶ 17-18.

On November 2, 2020, at approximately 3:50 a.m., the Safety Division received Pennsylvania Emergency Management Agency Report No. 27402, notifying the Safety Division of a gas line hit in front of the Brown Ave Building. On November 2, 2020, at approximately 4:32 a.m., NFGDC completed the squeeze off. Settlement at ¶¶ 19-20.

As a result of the incident, NFGDC reported 285 Mcf of lost gas and a total cost of \$136,054.00, which included: (1) private, public, and operator damages; and (2) NFGDC's replacement of the damaged section of gas main with new plastic pipe utilizing electrofusion couplings. Settlement at ¶¶ 24-25.

B. Alleged Deficiencies

⁴ We note that the Settlement also includes supplemental Joint Proposed Ordering Paragraphs. See Appendix A to Settlement.

⁵ Specifically, the main was "2-inch, SDR 11, Polyethylene, medium density pipe" with 36 inches of cover, and the plastic pipe involved in the incident was manufactured and installed in 2001. Settlement at ¶¶ 22-23.

During its informal investigation, the Safety Division determined that the incident was the result of a mismarking of the gas main involved in the incident by the Company's line locator, as "the paint marks were off by approximately seven (7) feet in some areas." Settlement at ¶ 26. Further, the Safety Division observed that although NFGDC Map No. CE015 was inaccurate and a causable factor for the incorrect paint marks, a tracer wire was present in the ditch with the plastic gas main. Id. Therefore, the Safety Division concluded that the line locator did not utilize the tracer wire to locate the gas main. Id.

The Safety Division also found that "the Operator" failed to follow the NFGDC procedural manual for operations, maintenance, and emergencies (O&M Procedures Manual). Settlement at ¶ 27. The Safety Division observed that although the line locator utilized NFGDC's maps to locate the Company's buried facilities in the area to be excavated, the line locator did not utilize the tracer wire located along the damaged main line and, therefore, failed to follow Section 6.8(c) in Chapter 8 of O&M Procedures Manual. Id.

The Safety Division also determined that the maps provided to the line locator did not accurately represent the actual location of the NFGDC's underground facilities. Further, the Safety Division observed that failing to accurately locate the plastic main was a causable factor in the main being damaged. Therefore, the Safety Division found that, by failing to stop the flow of gas in a timely manner, the operator was a factor in the resulting fire at, and subsequent evacuation of, the Brown Ave Building. Settlement at ¶ 29.

C. Alleged Violations

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that NFGDC committed the following alleged violations, reprinted verbatim below:

a) NFGDC inaccurately marked the gas main line as far as seven (7) feet off in some areas, which prevented their ability to protect the system from damage during excavation activity.

If proven, I&E alleges that such conduct violated 49 CFR § 192.614(c)(5) (relating to providing temporary marking of buried pipelines in the area of excavation activity) and 73 P.S. § 177(5)(i) (relating to locating the position of underground lines at a work site within eighteen inches horizontally of such line).

b) NFGDC failed to follow its procedural manual by not utilizing the tracer wire located along the damaged main.

If proven, I&E alleges that such conduct violated 49 CFR § 192.605(a) (relating to procedural manual for operations, maintenance, and emergencies) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities).

c) NFGDC provided maps to the line locator that did not accurately represent the actual location of its underground facilities.

If proven, I&E alleges that such conduct violated 49 CFR § 192.603(b) (relating to operator record keeping necessary to administer procedures established under § 192.605) with respect to 49 CFR § 192.605(a) (relating to procedural manual for operations, maintenance, and emergencies) and 52 Pa. Code § 59.37

(relating to public utility record keeping of complete maps and plans of its entire distribution system).

d) NFGDC failed to stop the flow of gas in a timely manner, a factor in the fire that occurred at 1202 Brown Avenue on November 2, 2020.

If proven, I&E alleges that such conduct violated 52 Pa. Code § 59.33(a) (relating to the responsibility of every public utility to always use every reasonable effort to protect the public and exercise reasonable care to reduce hazards of its equipment and facilities).

e) NFGDC failed to alert the NRC of the incident within one hour, as the fire ignited at approximately 1:34 a.m. and NFG reported the incident at approximately at 3:28 a.m.

If proven, I&E alleges that such conduct violated 49 CFR § 191.5(a) (relating to the duty of each operator to provide immediate notice of certain incidents).

Settlement at ¶ 30.

III. Terms of the Settlement

The Parties state that the purpose of the Settlement is to terminate I&E's informal investigation and settle this matter completely without litigation. Further, although NFGDC may dispute or disagree with the allegations described in the Settlement, the Company fully acknowledges the seriousness of the allegations and recognizes the need to prevent similar allegations in the future. Moreover, the Parties note that they recognize that this is a disputed matter and, given the inherent unpredictability of the outcome of a contested proceeding, resolving the disputed issues through settlement and avoiding the additional time and expense of litigation and possible appeals can be beneficial. Furthermore, the Parties acknowledge that approval of this Settlement is in the public interest and consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 31, 34, 42-43.

The conditions of the Settlement are reprinted verbatim below:

A. Civil Penalty:

NFGDC will pay a civil penalty in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated on the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

NFGDC will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. Voluntary Modification of Business Practices:

NFGDC continuously monitors and reviews its business practices and policies in a spirit of continuous improvement. In this regard, NFGDC has already implemented various practices/procedures that would mitigate the likelihood of a similar occurrence. NFGDC also recognizes the seriousness of this matter. In furtherance of the foregoing, NFGDC represents, warrants, agrees, and covenants (as the case may be) as specified below:

a. Tracking of High Risk Excavations and Excavators. NFGDC represents and warrants that it has developed a means to categorize certain excavations into risk categories by developing a “Risk Score” to excavations based on, among other things, the following data points: (1) excavator’s history (or lack of history); (2) excavation type; (3) depth of excavation; (4) type of excavation project. Depending on the Risk Score assigned, NFGDC Operations Supervisors are immediately notified via text message.

Using this “Risk Score,” NFGDC can sort excavators in order of those who pose the most risk to those who pose the least risk to its facilities (based on the excavators’ history). NFGDC has several Damage Prevention trainings, which it already shares with excavators, and which it will share with those excavators deemed assigned a sufficiently high “Risk Score.”

NFGDC will review this risk score on an annual basis for effectiveness, using but not limited to, hit, incident, and near miss data. This review shall include updates to training materials if they are found to be ineffective.

NFGDC shall create a program based on this risk review to assign inspectors and more frequent inspections on projects where these high risk excavators are known to be working.

b. GIS/Mapping Updates. Within thirty (30) days of the entry date of the Commission’s Final Order approving any Settlement Agreement in this matter, NFGDC shall work internally with its GIS/Mapping Departments to identify a list of line locations which may have suspected mapping issues (“Update List”). Within thirty (30) days of finalizing the Update List, [NFGDC] will notify its Operations personnel of the Update List (so as to apprise them of possible need for extra resources to timely conduct facility locates in these areas).

Within thirty (30) days of identifying the Update List, [NFGDC] will ensure that mapping updates are made to each facility location specified in the Update List.

c. Annual Line Locate Trainings for Employees and Contractors. NFGDC represents and warrants that it has developed trainings on various damage prevention topics and that those Operations line locating field employees (the “Line Locating Employees”).

On or before May 1, 2023, NFGDC shall develop a specific training session which shall be attended annually by its Line Locating Employees, construction contractors responsible for performing excavations and/or line locates, and other contracted line locators, highlighting common and uncommon issues found in the field that have led to line hits (“Annual Training”). In addition to the common and uncommon issues found, this training shall include a lesson learned portion from damages that NFGDC deems as significant.

NFGDC shall incorporate this additional training into the training conducted for new employees performing locating tasks.

d. Use of Specialized Tools/Technology for Locates. NFGDC represents and warrants that it has deployed and currently utilizes specialized line-locating technologies (such as a soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.) and has meaningfully taken steps to ensure its personnel knows of the availability of such specialized tools/technologies available for certain excavations.

Within thirty (30) days of the entry date of the Commission’s Final Order approving any Settlement Agreement in this matter, NFGDC shall add the following language to Chapter 8 of its O&M Procedures Manual (“Procedures Manual”) to ensure that its field personnel are aware of and using such specialized technology in the appropriate circumstances:

[NFGDC] has acquired specialized line-locating technologies (e.g., soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as Jamison tool, etc.).

When deemed appropriate by [NFGDC] employees and/or [NFGDC]’s contractors performing line locates, such specialized technology may be utilized in connection with line locates.

Upon making such update[s] to its Procedures Manual, NFGDC will communicate [the] same to its field personnel. Additionally, NFGDC will ensure that its Annual Training (described *supra*) meaningfully discuss[es] the availability and uses of such technologies. NFGDC shall track the use and effectiveness of specialized technologies and review the [C]ompany’s criteria for low confidence mark out classifications.

e. Damage Prevention—Quality Assurance/Quality Control [QA/QC]. NFGDC represents and warrants that it has established a “Quality Group” charged with, among other things, verifying that proper process/procedures with respect to line locating were followed by NFGDC employees/contractors. In this regard, the Quality Group serves an “audit” function.

In addition, NFGDC represents and warrants that it has a full-time employee whose sole responsibility is acting as a “Damage Prevention Supervisor” (“DPS”). Among other things, the DPS reviews trends with respect to damage to facilities, evaluates the overall effectiveness of NFGDC’s damage prevention programs, and proposes enhancements to [the] same.

Beginning in calendar year 2023, NFGDC agrees that it will require its DPS to meet on a Quarterly Basis with the Pennsylvania Operations Superintendent and the Executive overseeing Pennsylvania Operations Department. At such meetings, the Damage Prevention Supervisor will, among other things, discuss trends and findings resulting from the Company’s Damage Prevention Program such that the Superintendent/Executive can make meaningful changes in real-time, as needed.

The QA/QC program shall include a field review of a representative sample, defined as at least twenty-five percent (25%) in each service territory, of employees performing locates, at least once a calendar year. If a damage occurs on NFGDC’s system as a result of a line locator’s error, a process shall be created to field

audit the employee's past and present work to insure that [the] employee is performing [their] duties as required.

f. NFGDC represents and warrants that it has examined its emergency response to this line hit, reviewing [the] same to ascertain whether the decisions and actions taken furthered the goal of protecting life and property.

g. NFGDC represents and warrants that following the occurrence of this incident, it has reviewed its reporting procedures to ensure it is notifying the proper regulatory agencies of incidents in the required time as outlined in 49 CFR § 191.5(a).

h. Within thirty (30) days of the Company's completion of all items listed above, NFGDC shall file a report of compliance to verify that the Company performed each of the measures set forth in subparagraphs (b) through (g), *supra.*, pursuant to 52 Pa. Code § 5.591(a).

See Settlement at ¶ 32 (emphasis in original).

The Parties jointly agree that upon the Commission's approval of the Settlement in its entirety without modification and payment of the civil penalty, NFGDC shall be deemed to have been released from all prior claims that were made or could have been made by I&E for monetary and/or other relief, based on allegations that are the subject of I&E's informal investigation. Settlement at ¶ 33. Further, the Parties agree that the Settlement shall be construed and interpreted under Pennsylvania law. Moreover, the Parties agree that changes to obligations set forth in the Settlement may be made if they are in writing and are expressly accepted by the Parties. Settlement at ¶ 35.

The Parties jointly request that the Commission issue a Final Order approving the Settlement without modification but note that if the terms of the Settlement are modified by the Commission, the Parties agree that any party may withdraw from the Settlement, may proceed with litigation, and, in such event, the Settlement shall be void and of no effect. The Parties indicate that the election of any Party withdrawing from the Settlement must be made in writing, filed with the Commission's Secretary, and served upon the Parties within twenty (20) days after entry of an Order modifying the Settlement. Settlement at ¶¶ 38-39.

The Parties also jointly agree that the underlying allegations were not the subject of any hearing and I&E's informal investigation did not result in an order, findings of fact, or conclusions of law. Further, the Parties understand that, by entering into the instant Settlement, the Company has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings, including, but not limited to, any civil proceedings, that may arise as a result of the circumstances described in the Settlement. Moreover, the Parties agree that the Settlement may not be used as a concession or admission of fact or law by any other person or entity. Settlement at ¶ 40.

The Parties also acknowledge that, in order to resolve this matter in a fair and reasonable manner, the Settlement is being presented in the context of this informal investigation and without prejudice to any position that I&E or NFGDC may advance in any future proceeding on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of the Settlement. The Parties also jointly agree that they are not precluded by the Settlement from

taking other positions in any other proceeding. However, the Parties note that the Settlement is conclusive in the instant proceeding and may not be reasserted in any other proceeding or forum, except for enforcing the Settlement by a Party. Settlement at ¶ 41.

Finally, the Parties note that the terms of the Settlement constitute "a carefully crafted package representing reasonably negotiated compromises on the issues" addressed in the Settlement. Settlement at ¶ 44. The Parties, therefore, provide that the Settlement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201. *Id.*

IV. Discussion

Pursuant to the Commission's Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Additionally, given that the record reflects that NFGDC has underground facilities around the area of the Brown Ave Building, there is potential for impact to customers served in the area of the Brown Ave Building. Therefore, in light of the service territory involved in this matter, we find that it is advisable to provide notice to impacted customers by publication of this proposed Settlement in

the *Pennsylvania Bulletin* and to provide an opportunity for interested parties to file comments regarding the proposed Settlement.

V. Conclusion

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we are providing an opportunity for interested parties to file comments regarding the proposed Settlement; *Therefore,*

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3024040, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement. Filing and service requirements are governed by the Commissions Regulations. 52 Pa. Code Chapters 1, 3, and 5. It is strongly encouraged that any comments be filed with the Commission through efilng by opening an efilng account

free of charge through our website. An efilng account may be opened at our website, <https://www.puc.pa.gov/efiling/default.aspx>. Paper copies shall be filed with the Secretary’s Bureau at the following address:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3024040, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. This Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3024040, shall be issued for comments by any interested party.

5. Subsequent to the Commission’s review of comments filed in this proceeding, at Docket No. M-2022-3024040, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 9, 2023

ORDER ENTERED: February 9, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement’s :
Investigation of National Fuel Gas : Docket No. M-2022-3024040
Distribution Corporation’s November 1 :
and 2, 2020 Incident at 1202 Brown :
Avenue, Erie, Erie County, Pennsylvania :

**JOINT PETITION
FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41 and 5.232, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) and National Fuel Gas Distribution Corporation (“NFGDC”, “National Fuel” or “Respondent”), hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to the fire that occurred on November 2, 2020, at 1202 Brown Avenue in Erie, Erie County, Pennsylvania. As part of this Settlement Agreement, I&E and NFGDC (hereinafter referred to collectively as the “Parties” or “Joint Petitioners”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification, for the compelling public interest reasons set forth, *infra*. Proposed Ordering Paragraphs are attached hereto as Appendix A. Statements in Support of the Settlement expressing the views of I&E and NFGDC are attached hereto as Appendix B and Appendix C, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by its prosecuting attorney,

400 North Street, Harrisburg, PA 17120 and NFGDC, a natural gas utility with a primary mailing address of P.O. Box 2081, Erie, Pennsylvania 16512.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); See Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

4. NFGDC is a “public utility” as that term is defined at 66 Pa.C.S. § 102,⁶ as it is engaged in providing public

⁶ At 66 Pa.C.S. § 102, “Public utility” is defined under that term at subsection (1)(i) as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:
(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

utility service as a natural gas distribution company to the public for compensation.

5. Section 3301(c) of the Code, 66 Pa.C.S. § 3301(c), authorizes the Commission to impose civil penalties on any person or corporation, defined as a public utility, who violates any provisions of the Code or any regulation or order issued thereunder governing the safety of pipeline or conduit facilities in the transportation of natural gas, flammable gas, or gas which is toxic or corrosive. Section 3301(c) further provides that a civil penalty of up to Two Hundred Thousand Dollars (\$200,000.00) per violation for each day that the violation persists may be imposed, except that for any related series of violations, the maximum civil penalty shall not exceed Two Million Dollars (\$2,000,000.00) or the penalty amount provided under Federal pipeline safety laws, whichever is greater.

6. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub.L. 114-74, § 701, 129 Stat. 599, 28 U.S.C. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The most recent adjustment made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") occurred on July 31, 2019, and revises the maximum civil penalty to Two Hundred and Eighteen Thousand, Six Hundred and Forty-Seven Dollars (\$218,647.00) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Eighty-Six Thousand, Four-Hundred and Sixty-Five Dollars (\$2,186,465.00) for a related series of violations. 84 Fed. Reg. 37071 (July 31, 2019).

7. Pursuant to Section 59.33(b) of the Commission's regulations, 52 Pa. Code § 59.33(b), I&E's Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199, and to apply the federal civil penalty. The federal pipeline safety laws and regulations proscribe the minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth.

8. NFGDC, in providing natural gas distribution service to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders, including Federal pipeline safety laws and regulations.

II. Background

A. Chronology of the Events

9. On Sunday, November 1, 2020, at approximately 9:28 p.m., Parkside Utility Construction, LLC ("Parkside") placed an Emergency One Call Ticket ("Emergency Ticket") with the Pennsylvania One Call System ("POCS"), at Serial No. 20203060219, to replace a fallen utility pole located in front of the residential property at 1202 Brown Avenue, Erie, Erie County, Pennsylvania.

10. NFGDC responded to the Emergency Ticket at approximately 10:22 p.m., on November 1, 2020, and marked out NFGDC's underground facilities around the area of 1202 Brown Avenue.

11. During the utility pole replacement installation, Parkside damaged NFGDC's medium pressure main at approximately 12:30 a.m. on Monday, November 2, 2020.

12. The main was 2-inch plastic with a maximum allowable operating pressure ("MAOP") of 48 psig. The operating pressure at the time of the damage was 27 psig.

13. NFGDC responded to the damaged main and arrived on site at approximately 12:45 a.m. on November 2, 2020.

14. NFGDC found high gas readings in bar holes at the northeast corner of the four-unit apartment building at 1202 Brown Ave.

15. NFGDC elected to isolate the damaged main by squeezing off the main on each side of the damage.

16. The nearest isolation valves to the damaged main were located at Cranberry and 20th Streets, Plum and 26th Streets, Elmwood and 26th Streets, and on Greengarden Avenue.

17. At approximately 1:30 a.m. on November 2, 2020, before the flow of gas could be stopped, gas migrated into the basement of the apartment building, where a fire ignited, and the apartment building residents were evacuated.

18. Fortunately, the fire was quickly contained, and there were no fatalities or injuries.

19. On November 2, 2020, Pennsylvania Emergency Management Agency ("PEMA") Report No. 27402 was received at approximately 3:50 a.m., notifying the Pennsylvania Public Utility Commission's Bureau of Investigation & Enforcement's Safety Division ("I&E Safety Division") of a gas line hit in front of 1202 Brown Avenue, Erie, Pennsylvania.

20. NFGDC completed the squeeze off at 4:32 a.m. on November 2, 2020.

B. The Distribution System

21. The plastic pipe along Brown Avenue involved in the incident was manufactured and installed in 2001.

22. The main was 2-inch, SDR 11, Polyethylene, medium density pipe. There was 36 inches of cover over the main.

23. The MAOP of the damaged main was 48 psig and was operating at 27 psig at the time of the incident.

C. Impact of Incident

24. NFGDC reported a gas loss of 285 MCF (One Thousand Cubic Feet).

25. The total cost of the incident was reported at One Hundred Thirty-Six Thousand Fifty-Four Dollars (\$136,054.00), which included private, public, and operator damages, as well as NFGDC's replacement of the damaged section of main with new plastic pipe utilizing electrofusion couplings.

D. NFG's Alleged Deficiencies

26. It is the position of I&E that this incident was due to the gas main being mismarked by the NFGDC locator, as the paint marks were off by approximately seven (7) feet in some areas. NFGDC Map No. CE015 was inaccurate and was a causable factor for the inaccurate paint marks; however, there was tracer wire in the ditch with the plastic main. The I&E Safety Division concluded that the line locator did not utilize the tracer wire to locate the gas main.

27. It is the position of I&E that the Operator did not follow its own Procedural manual for operations, maintenance, and emergencies ("O&M Procedures"). The line locator utilized NFGDC's maps to locate NFGDC's buried

facilities in the area to be excavated; however, the line locator failed to follow Section 6.8(c) in Chapter 8 of NFGDC's O&M Procedures by not utilizing the tracer wire located along the damaged main line.

28. It is the position of I&E that the maps provided to the line locator did not accurately represent the actual location of the Respondent's underground facilities.

29. It is the position of I&E that locating the plastic main inaccurately was a causable factor in the main being damaged. Further, by failing to stop the flow of gas in a timely manner, the operator was also a factor in the fire that occurred at 1202 Brown Avenue, causing the evacuation of its occupants.

III. *Alleged Violations*

30. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to support its allegations that NFGDC committed the following violations:

a. NFGDC inaccurately marked the gas main line as far as seven (7) feet off in some areas, which prevented their ability to protect the system from damage during excavation activity.

If proven, I&E alleges that such conduct violated 49 CFR § 192.614(c)(5) (relating to providing temporary marking of buried pipelines in the area of excavation activity) and 73 P.S. § 177(5)(i) (relating to locating the position of underground lines at a work site within eighteen inches horizontally of such line).

b. NFGDC failed to follow its procedural manual by not utilizing the tracer wire located along the damaged main.

If proven, I&E alleges that such conduct violated 49 CFR § 192.605(a) (relating to procedural manual for operations, maintenance, and emergencies) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities).

c. NFGDC provided maps to the line locator that did not accurately represent the actual location of its underground facilities.

If proven, I&E alleges that such conduct violated 49 CFR § 192.603(b) (relating to operator record keeping necessary to administer procedures established under § 192.605) with respect to 49 CFR § 192.605(a) (relating to procedural manual for operations, maintenance, and emergencies) and 52 Pa. Code § 59.37 (relating to public utility record keeping of complete maps and plans of its entire distribution system).

d. NFGDC failed to stop the flow of gas in a timely manner, a factor in the fire that occurred at 1202 Brown Avenue on November 2, 2020.

If proven, I&E alleges that such conduct violated 52 Pa. Code § 59.33(a) (relating to the responsibility of every public utility to always use every reasonable effort to protect the public and exercise reasonable care to reduce hazards of its equipment and facilities).

e. NFGDC failed to alert the NRC of the incident within one hour, as the fire ignited at approximately 1:34 a.m. and NFG reported the incident at approximately 3:28 a.m.

If proven, I&E alleges that such conduct violated 49 CFR § 191.5(a) (relating to the duty of each operator to provide immediate notice of certain incidents).

IV. *Settlement Terms*

31. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest,⁷ I&E and NFGDC held a series of discussions that culminated in this Settlement. I&E and NFGDC desire to: (i) terminate I&E's informal investigation; and (ii) settle this matter completely without litigation. Although NFGDC may dispute or disagree with the alleged deficiencies and alleged violations described above, NFGDC fully acknowledges the seriousness of the alleged deficiencies and recognizes the need to prevent similar alleged allegations from recurring. Moreover, the Parties recognize that this is a disputed claim, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the significant and more immediate benefits of amicably resolving the disputed issues through settlement as opposed to time-consuming and expensive litigation. The terms and conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

32. I&E and NFGDC, intending to be legally bound and for consideration given, desire to fully and finally conclude this matter and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

A. *Civil Penalty:*

NFGDC will pay a civil penalty in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated on the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

NFGDC will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. *Voluntary Modification of Business Practices:*

NFGDC continuously monitors and reviews its business practices and policies in a spirit of continuous improvement. In this regard, NFGDC has already implemented various practices/procedures that would mitigate the likelihood of a similar occurrence. NFGDC also recognizes the seriousness of this matter. In furtherance of the foregoing, NFGDC represents, warrants, agrees, and covenants (as the case may be) as specified below:

a. *Tracking of High Risk Excavations and Excavators.* NFGDC represents and warrants that it has developed a means to categorize certain excavations into risk categories by developing a "Risk Score" to excavations based on, among other things, the following data points: (1) excavator's history (or lack of history); (2) excavation type; (3) depth of excavation; (4) type of excavation project. Depending on the Risk Score assigned, NFGDC Operations Supervisors are immediately notified via text message.

⁷ See 52 Pa. Code § 5.231(a)

Using this “Risk Score,” NFGDC can sort excavators in order of those who pose the most risk to those who pose the least risk to its facilities (based on the excavators’ history). NFGDC has several Damage Prevention trainings, which it already shares with excavators, and which it will share with those excavators deemed assigned a sufficiently high “Risk Score.”

NFGDC will review this risk score on an annual basis for effectiveness, using but not limited to, hit, incident, and near miss data. This review shall include updates to training materials if they are found to be ineffective.

NFGDC shall create a program based on this risk review to assign inspectors and more frequent inspections on projects where these high risk excavators are known to be working.

b. *GIS/Mapping Updates.* Within thirty (30) days of the entry date of the Commission’s Final Order approving any Settlement Agreement in this matter, NFGDC shall work internally with its GIS/Mapping Departments to identify a list of line locations which may have suspected mapping issues (“Update List”). Within thirty (30) days of finalizing the Update List, National Fuel will notify its Operations personnel of the Update List (so as to apprise them of possible need for extra resources to timely conduct facility locates in these areas).

Within thirty (30) days of identifying the Update List, National Fuel will ensure that mapping updates are made to each facility location specified in the Update List.

c. *Annual Line Locate Trainings for Employees and Contractors.* NFGDC represents and warrants that it has developed trainings on various damage prevention topics and that those Operations line locating field employees (the “Line Locating Employees”).

On or before May 1, 2023, NFGDC shall develop a specific training session which shall be attended annually by its Line Locating Employees, construction contractors responsible for performing excavations and/or line locates, and other contracted line locators, highlighting common and uncommon issues found in the field that have led to line hits (“Annual Training”). In addition to the common and uncommon issues found, this training shall include a lesson learned portion from damages that NFGDC deems as significant.

NFGDC shall incorporate this additional training into the training conducted for new employees performing locating tasks.

d. *Use of Specialized Tools/Technology for Locates.* NFGDC represents and warrants that it has deployed and currently utilizes specialized line-locating technologies (such as a soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.) and has meaningfully taken steps to ensure its personnel knows of the availability of such specialized tools/technologies available for certain excavations.

Within thirty (30) days of the entry date of the Commission’s Final Order approving any Settlement Agreement in this matter, NFGDC shall add the following language to Chapter 8 of its O&M Procedures Manual (“Procedures Manual”) to ensure that its field personnel are aware of and using such specialized technology in the appropriate circumstances:

National Fuel has acquired specialized line-locating technologies (e.g., soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.).

When deemed appropriate by National Fuel employees and/or National Fuel’s contractors performing line locates, such specialized technology may be utilized in connection with line locates.

Upon making such update to its Procedures Manual, NFGDC will communicate same to its field personnel. Additionally, NFGDC will ensure that its Annual Training (described supra) meaningfully discuss the availability and uses of such technologies. NFGDC shall track the use and effectiveness of specialized technologies and review the company’s criteria for low confidence mark out classifications.

e. *Damage Prevention—Quality Assurance/Quality Control.* NFGDC represents and warrants that it has established a “Quality Group” charged with, among other things, verifying that proper process/procedures with respect to line locating were followed by NFGDC employees/contractors. In this regard, the Quality Group serves an “audit” function.

In addition, NFGDC represents and warrants that it has a full-time employee whose sole responsibility is acting as a “Damage Prevention Supervisor” (“DPS”). Among other things, the DPS reviews trends with respect to damage to facilities, evaluates the overall effectiveness of NFGDC’s damage prevention programs, and proposes enhancements to same.

Beginning in calendar year 2023, NFGDC agrees that it will require its DPS to meet on a Quarterly Basis with the Pennsylvania Operations Superintendent and the Executive overseeing Pennsylvania Operations Department. At such meetings, the Damage Prevention Supervisor will, among other things, discuss trends and findings resulting from the Company’s Damage Prevention Program such that the Superintendent/Executive can make meaningful changes in real-time, as needed.

The QA/QC program shall include a field review of a representative sample, defined as at least twenty-five percent (25%) in each service territory, of employees performing locates, at least once a calendar year. If a damage occurs on NFGDC’s system as a result of a line locator’s error, a process shall be created to field audit the employee’s past and present work to insure that employee is performing his duties as required.

f. NFGDC represents and warrants that it has examined its emergency response to this line hit, reviewing same to ascertain whether the decisions and actions taken furthered the goal of protecting life and property.

g. NFGDC represents and warrants that following the occurrence of this incident, it has reviewed its reporting procedures to ensure it is notifying the proper regulatory agencies of incidents in the required time as outlined in 49 CFR § 191.5(a).

h. Within thirty (30) days of the Company’s completion of all items listed above, NFGDC shall file a report of compliance to verify that the Company performed each of the measures set forth in subparagraphs (b) through (g), supra., pursuant to 52 Pa. Code § 5.591(a).

33. Upon Commission approval of the Settlement in its entirety without modification and payment of the civil penalty, NFGDC shall be deemed to have been released from all past claims that were made or could have been made by I&E for monetary and/or other relief based on allegations that are the subject of the instant I&E investigation.

34. I&E and NFGDC jointly acknowledge that approval of this Settlement Agreement is in the public interest and

fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, promotes public and facility safety, and avoids the time and expense of litigation, which entails hearings, travel for Respondent's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals. Attached as Appendix B and Appendix C are Statements in Support submitted by I&E and NFGDC, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

V. *Conditions of Settlement*

35. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

36. The benefits and obligations of this Joint Petition for Approval of Settlement shall be binding upon the successors and assigns of the parties to the Settlement.

37. This Joint Petition may be signed in counterparts and all signatures attached hereto will be considered as originals.

38. In order to effectuate the Parties' Joint Petition for Approval of Settlement, the undersigned Parties request that the Commission issue a Final Order approving the Petition without modification.

39. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from the Settlement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon the other party within twenty (20) days after entry of an Order modifying the Settlement.

40. The Parties agree that the underlying allegations were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this proceeding. It is further understood that, by entering into this Settlement Agreement, NFGDC has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in any other proceedings, including, but not limited to, any civil proceedings, that may arise as a result of the circumstances described in this Joint Settlement Petition. Nor may this settlement be used by any other person or entity as a concession or admission of fact or law.

41. This Settlement Agreement is being presented only in the context of this investigation to resolve the proceeding in a manner that is fair and reasonable. This Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance

in the future on the merits of the issues in any other proceedings, except to the extent necessary to effectuate or enforce the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reasserted in any other proceeding or forum except for the limited purpose of enforcing the Settlement by a Party.

42. I&E and NFGDC jointly acknowledge that approval of this Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

43. Since the Parties agree to the terms of the Joint Petition for Approval of Settlement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

44. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and the National Fuel Gas Distribution Corporation respectfully request that the Commission approve the terms of the Joint Petition for Approval of Settlement without modification and in their entirety as being in the public interest.

Respectfully Submitted,

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

By:

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Date: December 27, 2022

National Fuel Gas Distribution Corporation

By:

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Distribution Corporation
Date: December 27, 2022

**Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement's
Investigation of National Fuel Gas
Distribution Corporation's November 1 and
2, 2020 Incident at 1202 Brown Avenue,
Erie, Erie County, Pennsylvania

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: Docket No. M-2022-3024040
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JOINT PROPOSED ORDERING PARAGRAPHS

1. That the Joint Settlement Petition filed on December 27, 2022 between the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and National Fuel Gas Distribution Corporation is approved in its entirety without modification.

2. That, pursuant to 66 Pa.C.S. § 3301(c) and 52 Pa. Code § 69.1201, within thirty (30) days of the date this Order becomes final, NFGDC shall pay a civil penalty of One Hundred Twenty-Five Thousand Dollars (\$125,000.00). Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. That NFGDC will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and the civil penalty shall not be tax deductible.

4. NFGDC will take the following corrective actions:

a. *Tracking of High Risk Excavations and Excavators.* NFGDC represents and warrants that it has developed a means to categorize certain excavations into risk categories by developing a "Risk Score" to excavations based on, among other things, the following data points: (1) excavator's history (or lack of history); (2) excavation type; (3) depth of excavation; (4) type of excavation project. Depending on the Risk Score assigned, NFG Operations Supervisors are immediately notified via text message.

Using this "Risk Score," NFGDC can sort excavators in order of those who pose the most risk to those who pose the least risk to its facilities (based on the excavators' history). NFGDC has several Damage Prevention trainings, which it already shares with excavators, and which it will share with those excavators deemed assigned a sufficiently high "Risk Score."

NFGDC will review this risk score on an annual basis for effectiveness, using but not limited to, hit, incident, and near miss data. This review shall include updates to training materials if they are found to be ineffective.

NFGDC shall create a program based on this risk review to assign inspectors and more frequent inspections on projects where these high risk excavators are known to be working.

b. *GIS/Mapping Updates.* Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, NFGDC shall work internally with its GIS/Mapping Departments to identify a list of line locations which may have suspected mapping issues ("Update List"). Within thirty (30) days of

finalizing the Update List, National Fuel will notify its Operations personnel of the Update List (so as to apprise them of possible need for extra resources to timely conduct facility locates in these areas).

Within thirty (30) days of identifying the Update List, National Fuel will ensure that mapping updates are made to each facility location specified in the Update List.

c. *Annual Line Locate Trainings for Employees and Contractors.* NFGDC represents and warrants that it has developed trainings on various damage prevention topics and that those Operations line locating field employees (the "Line Locating Employees").

On or before May 1, 2023, NFGDC shall develop a specific training session which shall be attended annually by its Line Locating Employees, construction contractors responsible for performing excavations and/or line locates, and other contracted line locators, highlighting common and uncommon issues found in the field that have led to line hits ("Annual Training"). In addition to the common and uncommon issues found, this training shall include a lesson learned portion from damages that NFGDC deems as significant.

NFGDC shall incorporate this additional training into the training conducted for new employees performing locating tasks.

d. *Use of Specialized Tools/Technology for Locates.* NFGDC represents and warrants that it has deployed and currently utilizes specialized line-locating technologies (such as a soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.) and has meaningfully taken steps to ensure its personnel knows of the availability of such specialized tools/technologies available for certain excavations.

Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, NFGDC shall add the following language to Chapter 8 of its O&M Procedures Manual ("Procedures Manual") to ensure that its field personnel are aware of and using such specialized technology in the appropriate circumstances:

National Fuel has acquired specialized line-locating technologies (e.g., soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.).

When deemed appropriate by National Fuel employees and/or National Fuel's contractors performing line locates, such specialized technology may be utilized in connection with line locates.

Upon making such update to its Procedures Manual, NFGDC will communicate same to its field personnel. Additionally, NFGDC will ensure that its Annual Training (described supra) meaningfully discuss the availability

and uses of such technologies. NFGDC shall track the use and effectiveness of specialized technologies and review the company's criteria for low confidence mark out classifications.

e. *Damage Prevention—Quality Assurance/Quality Control.* NFGDC represents and warrants that it has established a “Quality Group” charged with, among other things, verifying that proper process/procedures with respect to line locating were followed by NFGDC employees/contractors. In this regard, the Quality Group serves an “audit” function.

In addition, NFGDC represents and warrants that it has a full-time employee whose sole responsibility is acting as a “Damage Prevention Supervisor” (“DPS”). Among other things, the DPS reviews trends with respect to damage to facilities, evaluates the overall effectiveness of NFGDC’s damage prevention programs, and proposes enhancements to same.

Beginning in calendar year 2023, NFGDC agrees that it will require its DPS to meet on a Quarterly Basis with the Pennsylvania Operations Superintendent and the Executive overseeing Pennsylvania Operations Department. At such meeting, the Damage Prevention Supervisor will, among other things, discuss trends and findings resulting from the Company’s Damage Prevention Program such that the Superintendent/Executive can make meaningful changes in real-time, as needed.

The QA/QC program shall include a field review of a representative sample, defined as at least twenty-five percent (25%) in each service territory, of employees performing locates, at least once a calendar year. If a damage occurs on NFGDC system as a result of a line locator’s error, a process shall be created to field audit the employees past and present work to insure that employee is performing his duties as required.

f. NFGDC represents and warrants that it has examined its emergency response to this line hit, reviewing same to ascertain whether the decisions and actions taken furthered the goal of protecting life and property.

g. NFGDC represents and warrants that following the occurrence of this incident, it has reviewed its reporting procedures to ensure it is notifying the proper regulatory agencies of incidents in the required time as outlined in 49 CFR § 191.5(a).

h. Within thirty (30) days of the Company’s completion of all items listed above, NFGDC shall file a report of compliance to verify that the Company performed each of the measures set forth in subparagraphs (b) through (g), supra., pursuant to 52 Pa. Code § 5.591(a).

5. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administration.

6. That the above-captioned matter shall be marked closed upon receipt of the civil penalty and Compliance Report.

**Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Pennsylvania Public Utility Commission, | : |
| Bureau of Investigation and Enforcement’s | : |
| Investigation of National Fuel Gas | : |
| Distribution Corporation’s November 1 and | : |
| 2, 2020 Incident at 1202 Brown Avenue, | : |
| Erie, Erie County, Pennsylvania | : |

Docket No. M-2022-3024040

**THE BUREAU OF INVESTIGATION AND
ENFORCEMENT’S STATEMENT IN SUPPORT OF
THE JOINT PETITION FOR APPROVAL OF
SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231 and 5.232, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and National Fuel Gas Distribution Corporation (“NFGDC” or “Respondent”).⁸ I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

On Sunday, November 1, 2020, at approximately 9:28 p.m., Parkside Utility Construction (“Parkside”) placed an Emergency One Call Ticket (“Emergency Ticket”) with the Pennsylvania One Call System (“POCS”), at Serial No.

20203060219, to replace a fallen utility pole located in front of residential property at 1202 Brown Avenue, Erie, Pennsylvania. NFGDC responded to the Emergency Ticket at approximately 10:22 p.m. and marked out NFGDC’s facilities around the area of 1202 Brown Avenue.

During the replacement utility pole installation, Parkside damaged NFGDC’s medium pressure main at approximately 12:30 a.m. on Monday, November 2, 2020. The main was 2-inch plastic with a MAOP of 48 psig. The operating pressure at the time of the damage was 27 psig.

NFGDC responded to the damaged main and arrived on site at approximately 12:45 a.m. on November 2, 2020. NFGDC found high gas readings in bar holes at the northeast corner of 1202 Brown Avenue, a 4-unit apartment building. Before the flow of gas could be stopped via a squeezed off main, at approximately 1:30 a.m. on November 2, 2020, gas migrated into the basement of a nearby apartment building, where a fire ignited. The apartment building residents were evacuated. The fire

⁸ I&E and NFG are collectively referred to herein as the “Parties.”

department was on site quickly and the fire was contained. Fortunately, there were no fatalities or injuries.

The nearest isolation valves to the damaged main were located at Cranberry and 20th Streets, Plum and 26th Streets, Elmwood and 26th Streets, and on Greengarden Ave. NFGDC elected to isolate the damaged main by squeezing off the main on each side of the damage. NFGDC completed the squeeze off at 4:32 a.m. on November 2, 2020. NFGDC submitted an incident report, Report No. 1291212, to the National Response Center (“NRC”) at 3:28 a.m. on November 2, 2020.

Also on November 2, 2020, Pennsylvania Emergency Management Agency (“PEMA”) Report No. 27402 was received at approximately 3:50 a.m., notifying the Pennsylvania Public Utility Commission’s Bureau of Investigation & Enforcement’s Safety Division (“I&E Safety Division”) of the gas line hit in front of 1202 Brown Avenue, Erie, Pennsylvania. I&E’s Safety Division arrived on-site shortly thereafter to begin its investigation.

Upon I&E Safety Division’s investigation of the damage and the location of the damaged plastic main, it was clear that the main had been mismarked by the NFGDC locator, as the paint marks were off by approximately seven (7) feet in some areas. NFGDC Map No. CE015 was inaccurate and a causable factor for the inaccurate paint marks; however, there was tracer wire in the ditch with the plastic main. The I&E Safety Division concluded that the line locator did not utilize the tracer wire to locate the gas main.

The I&E Safety Division further concluded that the Operator did not follow its own Procedural manual for operations, maintenance, and emergencies (“O&M Procedures”). The line locator utilized company maps to locate NFGDC’s buried facilities in the area to be excavated; however, the line locator failed to follow Section 6.8(c) in Chapter 8 of NFGDC’s O&M Procedures by not utilizing the tracer wire located along the damaged main line.

The I&E Safety Division also concluded that the maps provided to the line locator did not accurately represent the actual location of the company’s underground facilities.

The I&E Safety Division noted that the operator called the National Response Center (“NRC”) at approximately 3:28 a.m. to report the incident, while the fire ignited at approximately 1:34 a.m.

Lastly, the I&E Safety Division determined that locating the plastic main inaccurately was a causable factor in the main being damaged and that by failing to stop the flow of gas in a timely manner, the operator was also a factor in the fire that occurred at 1202 Brown Avenue, causing the evacuation of its occupants, a temporary interruption in utility service, and property damage.

I&E and NFGDC subsequently engaged in negotiations regarding the resolution of I&E’s investigation. On December 27, 2022, the Parties filed a Joint Petition for Approval of Settlement resolve all issues between I&E and NFGDC in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. *The Public Interest*

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related

to I&E’s instant investigation. This Settlement Agreement results from the compromise of the Parties.

Although I&E and NFGDC may disagree with respect to I&E’s factual allegations, the Respondent recognizes the need to prevent a similar incident from reoccurring. I&E also recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation.

I&E submits that the Settlement constitutes a reasonable compromise of the issues presented, and is in the public interest, as it provides for additional training, further review and implementation of damage prevention policies and procedures, facility mapping updates, acquisition of line-locating equipment, as well as a civil penalty. As such, I&E respectfully requests that the Commission approve the Settlement without modification, allowing these important public benefits to be realized expeditiously.

III. *Terms of Settlement*

Under the terms of the Settlement, I&E and NFGDC have agreed as follows:

A. *Civil Penalty:*

NFGDC will pay a civil penalty in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the entry date of the Commission’s Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the “Commonwealth of Pennsylvania.” The docket number of this proceeding shall be indicated on the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

NFGDC will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. *Corrective Actions:*

NFGDC recognizes the seriousness of this matter and has taken or will take the following steps to prevent a similar occurrence:

a. *Tracking of High Risk Excavations and Excavators.* NFGDC represents and warrants that it has developed a means to categorize certain excavations into risk categories by developing a “Risk Score” to excavations based on, among other things, the following data points: (1) excavator’s history (or lack of history); (2) excavation type; (3) depth of excavation; (4) type of excavation project. Depending on the Risk Score assigned, NFGDC Operations Supervisors are immediately notified via text message.

Using this “Risk Score,” NFGDC can sort excavators in order of those who pose the most risk to those who pose the least risk to its facilities (based on the excavators’ history). NFGDC has several Damage Prevention trainings, which it already shares with excavators, and which it will share with those excavators deemed assigned a sufficiently high “Risk Score.”

NFGDC will review this risk score on an annual basis for effectiveness, using but not limited to, hit, incident, and near miss data. This review shall include updates to training materials if they are found to be ineffective.

NFGDC shall create a program based on this risk review to assign inspectors and more frequent inspections on projects where these high risk excavators are known to be working.

b. *GIS/Mapping Updates.* Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, NFGDC shall work internally with its GIS/Mapping Departments to identify a list of line locations which may have suspected mapping issues ("Update List"). Within thirty (30) days of finalizing the Update List, National Fuel will notify its Operations personnel of the Update List (so as to apprise them of possible need for extra resources to timely conduct facility locates in these areas).

Within thirty (30) days of identifying the Update List, National Fuel will ensure that mapping updates are made to each facility location specified in the Update List.

c. *Annual Line Locate Trainings for Employees and Contractors.* NFGDC represents and warrants that it has developed trainings on various damage prevention topics and that those Operations line locating field employees (the "Line Locating Employees").

On or before May 1, 2023, NFGDC shall develop a specific training session which shall be attended annually by its Line Locating Employees, construction contractors responsible for performing excavations and/or line locates, and other contracted line locators, highlighting common and uncommon issues found in the field that have led to line hits ("Annual Training"). In addition to the common and uncommon issues found, this training shall include a lesson learned portion from damages that NFGDC deems as significant.

NFGDC shall incorporate this additional training into the training conducted for new employees performing locating tasks.

d. *Use of Specialized Tools/Technology for Locates.* NFGDC represents and warrants that it has deployed and currently utilizes specialized line-locating technologies (such as a soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.) and has meaningfully taken steps to ensure its personnel knows of the availability of such specialized tools/technologies available for certain excavations.

Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, NFGDC shall add the following language to Chapter 8 of its O&M Procedures Manual ("Procedures Manual") to ensure that its field personnel are aware of and using such specialized technology in the appropriate circumstances:

National Fuel has acquired specialized line-locating technologies (e.g., soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.).

When deemed appropriate by National Fuel employees and/or National Fuel's contractors performing line locates, such specialized technology may be utilized in connection with line locates.

Upon making such update to its Procedures Manual, NFGDC will communicate same to its field personnel.

Additionally, NFGDC will ensure that its Annual Training (described supra) meaningfully discuss the availability and uses of such technologies. NFGDC shall track the use and effectiveness of specialized technologies and review the company's criteria for low confidence mark out classifications.

e. *Damage Prevention—Quality Assurance/Quality Control.* NFGDC represents and warrants that it has established a "Quality Group" charged with, among other things, verifying that proper process/procedures with respect to line locating were followed by NFGDC employees/contractors. In this regard, the Quality Group serves an "audit" function.

In addition, NFGDC represents and warrants that it has a full-time employee whose sole responsibility is acting as a "Damage Prevention Supervisor" ("DPS"). Among other things, the DPS reviews trends with respect to damage to facilities, evaluates the overall effectiveness of NFGDC's damage prevention programs, and proposes enhancements to same.

Beginning in calendar year 2023, NFGDC agrees that it will require its DPS to meet on a Quarterly Basis with the Pennsylvania Operations Superintendent and the Executive overseeing Pennsylvania Operations Department. At such meetings, the Damage Prevention Supervisor will, among other things, discuss trends and findings resulting from the Company's Damage Prevention Program such that the Superintendent/Executive can make meaningful changes in real-time, as needed.

The QA/QC program shall include a field review of a representative sample, defined as at least twenty-five percent (25%) in each service territory, of employees performing locates, at least once a calendar year. If a damage occurs on NFGDC's system as a result of a line locator's error, a process shall be created to field audit the employee's past and present work to insure that employee is performing his duties as required.

f. NFGDC represents and warrants that it has examined its emergency response to this line hit, reviewing same to ascertain whether the decisions and actions taken furthered the goal of protecting life and property.

g. NFGDC represents and warrants that following the occurrence of this incident, it has reviewed its reporting procedures to ensure it is notifying the proper regulatory agencies of incidents in the required time as outlined in 49 CFR § 191.5(a).

h. Within thirty (30) days of the Company's completion of all items listed above, NFGDC shall file a report of compliance to verify that the Company performed each of the measures set forth in subparagraphs (b) through (g), supra., pursuant to 52 Pa. Code § 5.591(a).

Upon Commission approval of the Settlement in its entirety without modification, I&E shall be deemed to have released NFGDC from all past claims that were made or could have been made by the Commission for monetary and/or other relief based on allegations that NFGDC failed to comply with the allegations that are the subject of the instant I&E informal investigation. I&E and NFGDC jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, promotes public and facility safety, and

avoids the time and expense of litigation, which entails hearings, travel for Respondent's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals.

IV. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the Company's failure to follow its own procedures that were in place at the time of the incident were deficient in their failure to accurately locate and mark the gas main near Brown Avenue, resulting in disastrous consequences. I&E submits that the alleged violations alleged as a result of I&E's Investigation are of a serious nature and were considered in arriving at the civil penalty and remedial safety measures set forth in the terms of the Settlement.

The second factor considered is whether the resulting consequences of the Company's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). In this case, the gas line strike resulted in a residential basement fire, causing the evacuation of at least four (4) tenants. Fortunately, there were no injuries or fatalities. The terms and conditions of

the Settlement acknowledge that serious consequences occurred and are designed to further enhance the safety of NFGDC's service, facilities, and facility-locating techniques.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* This factor does not apply to the present case since this matter is being resolved through a settlement of the Parties.

The fourth factor to be considered is whether the Company has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). In response to the November 1 and 2, 2020 incident, NFGDC moved forward to adopt several changes to its policies and procedures. A comprehensive list of these changes is outlined in the Settlement Agreement. Some of the more significant changes include:

1. Develop procedures or a process to track high risk excavators and focus its efforts on outreach and education programs to bring greater awareness of gas facilities and the dangers of damaged facilities.

2. Develop and improve its GIS system for higher accuracy of maps and records available to field personnel as to provide all data necessary to correctly mark out gas facilities. Areas with suspected mapping issues must be identified on maps and provided to locating personnel to indicate the need for extra resources to timely conduct facility locates in these areas.

3. Develop a training session, to be held annually, for its employees, construction sub-contractors and line locators, highlighting common and uncommon issues found in the field that have led to line hits.

4. Implement and enhance the use of technologies to perform locates including but not limited to expanding the availability of soft dig vacuum trucks for low confidence locates, the use of inline inspected technology such as a Jamison tool, and other line-locating technology.

5. Take steps to enhance their damage prevention program by developing a Quality Assurance/Quality Control system to oversee all areas of damage prevention.

6. Examine its emergency response to this line hit to ensure all decisions and actions taken correctly protected life and property.

7. Review its reporting procedures to ensure it is notifying the proper regulatory agencies of incidents in the required time as outlined in 49 CFR § 191.5(a).

Each of these modifications to the Respondent's internal procedures and commitments address the alleged conduct at issue and are designed to prevent a similar incident from occurring again. Moreover, the improvements provide a significant benefit to public safety.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). In this case, at approximately 1:34 a.m. on November 2, 2020, a residential basement fire occurred that resulted in the evacuation of its occupants at 1202 Brown Avenue and the temporary loss of gas service.

The sixth factor to be considered relates to the compliance history of the Company. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant com-

pany may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. Id.

In addition to the line hit that occurred at 1202 Brown Avenue in Erie, NFGDC incurred a line hit on May 19, 2020, in Hermitage, PA. The damage resulted in 187 customers losing service, and NFGDC was issued Non-Compliance (“NC”) Letter, NC-1320 as a result.

On May 7, 2019, NFGDC was issued NC Letter, NC-10-19, for a line hit at 45 East Townhall Road in Waterford, PA. NFGDC’s subcontractor mismarked a 2-inch plastic main, by 8 feet, resulting in 30 customers temporarily losing gas service.

The seventh factor to be considered relates to whether the Company cooperated with the Commission’s investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that NFGDC cooperated in the investigation, by timely and appropriately responding to data requests and other correspondence from Commission staff, and during the settlement process in this matter and that such cooperation demonstrates a commitment consistent with public safety goals and objectives.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of One Hundred Twenty-Five Thousand Dollars (\$125,000.00), which is not tax deductible, in combination with the monetary cost of the performance of all the remedial safety measures, i.e. the purchase of soft dig vacuum trucks, is sufficient to deter the Company from committing future violations of the nature alleged here.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement provides comparable relief to prior enforcement matters involving similar pipeline safety violations.

Looking at the relevant factors that are comparable to other pipeline matters involving violations of pipeline safety violations that resulted in similarly serious consequences, the instant Settlement is consistent with past Commission actions in that a civil penalty will be paid and numerous corrective actions to address the alleged violations have been or will be taken.

The tenth factor considers “other relevant factors.” 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of importance to this Settlement Agreement. Reasonable settlement terms can represent compromise while allowing the focus to be on implementing the agreed upon remedial safety measures. To that end, I&E’s review of NFGDC’s self-reported damage prevention statistics indicate a decrease in the number of gas line hits per 1,000 gas line locate tickets NFGDC marked for excavation activities, following this incident and NFGDC’s implementation of damage prevention measures as discussed above.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement Agreement in its entirety without modification.

Respectfully submitted,
Emily A. Farren
Prosecutor
PA Attorney ID 322910

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
efarren@pa.gov

Dated: December 27, 2022

**Appendix C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement’s :
Investigation of National Fuel Gas : Docket No. M-2022-3024040
Distribution Corporation’s November 1 :
and 2 Incident at 1202 Brown Avenue, :
Erie, Erie County, Pennsylvania :

**NATIONAL FUEL GAS DISTRIBUTION
CORPORATION STATEMENT IN SUPPORT OF
SETTLEMENT AGREEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

National Fuel Gas Distribution Corporation (“National Fuel” or the “Company”) hereby submits this Statement in Support of the Joint Petition for Approval of Settlement (“Settlement”) entered into by the Company and the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), hereinafter, collectively the “Joint Petitioners,” in the above-captioned proceeding. The Settlement, if approved, will fully resolve all issues related to I&E’s investigation regarding the events surrounding an incident that oc-

curred on November 1 and 2, 2020 at 1202 Brown Avenue in Erie, Pennsylvania (“Incident”). National Fuel respectfully requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

National Fuel undertook an extensive investigation of the events related to the Incident and cooperated with and assisted I&E with its investigation of the events surrounding the Incident. The Settlement is in the public interest because it addresses I&E’s alleged deficiencies and alleged violations, promotes public safety, and avoids the time and expense of litigation. For these reasons and

the reasons set forth below, the Settlement is fair, just and reasonable and, therefore, the Settlement should be approved without modification.

I. Introduction

A. Parties

I&E is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308(b). The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities. Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Aug. 11, 2011).

National Fuel is a “public utility” and a “natural gas distribution company” (“NGDC”) as those terms are defined in Sections 102 and 2202 of the Code, 66 Pa.C.S. §§ 102, 2202. National Fuel provides natural gas distribution, and supplier of last resort services to approximately 214,000 customers throughout its certificated service territory subject to the regulatory jurisdiction of the Commission.

B. Background

For purpose of the within-described settlement, the chronology of events underlying this matter are set forth in Section II(A) of the Settlement, which National Fuel incorporates herein by reference.

II. Commission Policy Favors Settlement

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements reduce the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. In order to accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433, 2012 Pa. PUC LEXIS 1377 at *6 (August 31, 2012).

The Commission has promulgated a Policy Statement that sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201. These factors are: (i) Whether the conduct at issue was of a serious nature; (ii) Whether the resulting consequences of the conduct at issue were of a serious nature; (iii) Whether the conduct at issue was deemed intentional or negligent; (iv) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) The number of customers affected and the duration of the violation; (vi) The compliance history of the regulated entity that committed the violation; (vii) Whether the regulated entity cooperated with the Commission’s investigation; (viii) The amount of the civil penalty or fine necessary to deter future violations; (ix) Past Commission decisions in similar situations; and (x) Other relevant factors. 52 Pa. Code § 69.1201(c). The Commission will not apply the standards as strictly in settled cases as in litigated cases. 52

Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

The substantial public benefits of the Settlement, as well as the ten factors that the Commission considers in reviewing a settlement of an alleged violation, are addressed in the section that follows. For the reasons explained below, the Settlement is in the public interest and should be approved.

III. The Settlement is in the Public Interest

A. Summary

The Settlement, if approved, will resolve all issues related to the Incident. See Settlement ¶ 43. I&E alleges that National Fuel violated its Procedures Manual and Federal and State regulations related to the Incident. Based on these allegations, National Fuel has agreed to pay a civil penalty, and to implement a number of changes, including modifications to its business practices, employee training policies, practices and procedures and Procedures Manual. Had this matter been fully litigated, National Fuel would have raised defenses to many of these allegations, and defended against the same at hearing.

Throughout the investigative process, National Fuel cooperated with I&E and the Joint Petitioners engaged in several rounds of settlement discussions. Many of the agreed upon changes have already been initiated by National Fuel prior to the investigation in order to improve its safety processes after the Incident. These actions have been taken in the interest of continuous improvement to National Fuel’s safety performance.

Under the Settlement, National Fuel has agreed to pay a substantial civil penalty. Finally, the terms and conditions of the Settlement align with the ten factors that may be considered under the Commission’s Policy Statement. Accordingly, the Settlement should be approved.

B. Description of the Settlement

Among the terms and conditions of the Settlement, National Fuel has agreed to the following measures to be implemented upon approval of the Settlement:

A. Civil Penalty:

NFG will pay a civil penalty in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000.00) pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the entry date of the Commission’s Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the “Commonwealth of Pennsylvania.” The docket number of this proceeding shall be indicated on the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

NFG will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. Voluntary Modification of Business Practices:

NFG continuously monitors and reviews its business practices and policies in a spirit of continuous improvement. In this regard, NFG has already implemented various practices/procedures that would mitigate the likelihood of a similar occurrence. NFG also recognizes the seriousness of this matter. In furtherance of the foregoing, NFG represents, warrants, agrees, and covenants (as the case may be) as specified below:

a. *Tracking of High Risk Excavations and Excavators.* NFG represents and warrants that it has developed a means to categorize certain excavations into risk categories by developing a “Risk Score” to excavations based on, among other things, the following data points: (1) excavator’s history (or lack of history); (2) excavation type; (3) depth of excavation; (4) type of excavation project. Depending on the Risk Score assigned, NFG Operations Supervisors are immediately notified via text message.

Using this “Risk Score,” NFGDC can sort excavators in order of those who pose the most risk to those who pose the least risk to its facilities (based on the excavators’ history). NFGDC has several Damage Prevention trainings, which it already shares with excavators, and which it will share with those excavators deemed assigned a sufficiently high “Risk Score.”

NFGDC will review this risk score on an annual basis for effectiveness, using but not limited to, hit, incident, and near miss data. This review shall include updates to training materials if they are found to be ineffective.

NFGDC shall create a program based on this risk review to assign inspectors and more frequent inspections on projects where these high risk excavators are known to be working.

b. *GIS/Mapping Updates.* Within thirty (30) days of the entry date of the Commission’s Final Order approving any Settlement Agreement in this matter, NFG shall work internally with its GIS/Mapping Departments to identify a list of line locations which may have suspected mapping issues (“Update List”). Within thirty (30) days of finalizing the Update List, National Fuel will notify its Operations personnel of the Update List (so as to apprise them of possible need for extra resources to timely conduct facility locates in these areas.)

Within thirty (30) days of identifying the Update List, National Fuel will ensure that mapping updates are made to each facility location specified in the Update List.

c. *Annual Line Locate Trainings for Employees and Contractors.* NFG represents and warrants that it has developed trainings on various damage prevention topics and that those Operations line locating field employees (the “Line Locating Employees”).

On or before May 1, 2023, NFG shall develop a specific training session which shall be attended annually by its Line Locating Employees, construction contractors responsible for performing excavations and/or line locates, and other contracted line locators, highlighting common and uncommon issues found in the field that have led to line hits (“Annual Training”). In addition to the common and uncommon issues found, this training shall include a

lesson learned portion from damages that NFGDC deems as significant.

NFGDC shall incorporate this additional training into the training conducted for new employees performing locating tasks.

d. *Use of Specialized Tools/Technology for Locates.* NFG represents and warrants that it has deployed and currently utilizes specialized line-locating technologies (such as a soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.) and has meaningfully taken steps to ensure its personnel knows of the availability of such specialized tools/technologies available for certain excavations.

Within thirty (30) days of the entry date of the Commission’s Final Order approving any Settlement Agreement in this matter, NFG shall add the following language to Chapter 8 of its O&M Procedures Manual (“Procedures Manual”) to ensure that its field personnel are aware of and using such specialized technology in the appropriate circumstances:

National Fuel has acquired specialized line-locating technologies (e.g., soft dig vacuum trucks for low confidence locates, and the use of inline inspected technology such as a Jamison tool, etc.).

When deemed appropriate by National Fuel employees and/or National Fuel’s contractors performing line locates, such specialized technology may be utilized in connection with line locates.

Upon making such update to its Procedures Manual, NFG will communicate same to its field personnel. Additionally, NFG will ensure that its Annual Training (described supra) meaningfully discuss the availability and uses of such technologies. NFG shall track the use and effectiveness of specialized technologies and review the company’s criteria for low confidence mark out classifications.

e. *Damage Prevention—Quality Assurance/Quality Control.* NFG represents and warrants that it has established a “Quality Group” charged with, among other things, verifying that proper process/procedures with respect to line locating were followed by NFG employees/contractors. In this regard, the Quality Group serves an “audit” function.

In addition, NFG represents and warrants that it has a full-time employee whose sole responsibility is acting as a “Damage Prevention Supervisor” (“DPS”). Among other things, the DPS reviews trends with respect to damage to facilities, evaluates the overall effectiveness of NFG’s damage prevention programs, and proposes enhancements to same.

Beginning in calendar year 2023, NFG agrees that it will require its DPS to meet on a Quarterly Basis with the Pennsylvania Operations Superintendent and the Executive overseeing Pennsylvania Operations Department. At such meetings, the Damage Prevention Supervisor will, among other things, discuss trends and findings resulting from the Company’s Damage Prevention Program such that the Superintendent/Executive can make meaningful changes in real-time, as needed

The QA/QC program shall include a field review of a representative sample, defined as at least twenty-five percent (25%) in each service territory, of employees

performing locates, at least once a calendar year. If a damage occurs on NFGDC system as a result of a line locator's error, a process shall be created to field audit the employees past and present work to insure that employee is performing his duties as required.

f. NFG represents and warrants that it has examined its emergency response to this line hit, reviewing same to ascertain whether the decisions and actions taken furthered the goal of protecting life and property.

g. NFG represents and warrants that following the occurrence of this incident, it has reviewed its reporting procedures to ensure it is notifying the proper regulatory agencies of incidents in the required time as outlined in 49 CFR § 191.5(a).

h. Within thirty (30) days of the Company's completion of all items listed above, NFG shall file a report of compliance to verify that the Company performed each of the measures set forth in subparagraphs (b) through (g), supra., pursuant to 52 Pa. Code § 5.591(a).

As noted below, National Fuel has already initiated several of the terms included in the Settlement as a part of its continuous improvement efforts.

Importantly, as set forth in Paragraph 40 to the Settlement, the Parties agree that National Fuel has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings, including but not limited to any civil proceedings, that may arise as a result of the circumstances described in the Settlement. In addition, the Settlement may not be used by any other person or entity as a concession or admission of law or fact.

The terms of the Settlement fully resolve all of the issues raised in and relief requested by I&E's, including the payment of civil penalties. As explained below, National Fuel believes that approval of the Settlement is in the public interest. Further, acceptance of the Settlement will avoid the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the parties.

C. Public Benefits of the Settlement

If approved, the Settlement will provide substantial and important benefits to the customers and communities served by National Fuel, including enhancements to National Fuel's standards, policies, practices and procedures related to line locating and marking. These enhancements and improvements are designed to decrease the likelihood of incidents similar to the November 1 and 2, 2020 Incident from occurring in the future.

National Fuel has already implemented many of the enhancements requested by I&E following the Incident. National Fuel continuously works to improve its safety in all areas, including line hits. The Company's line hit rate has decreased significantly over the years. Using one metric (i.e., line hits per 1,000 tickets per calendar year), in 2021, National Fuel experienced 2.75 line hits per 1,000 tickets, compared to 9.67 line hits per 1,000 tickets in 2005. This translates to a 62.7% reduction in line hits over that time period under said metric. Using another metric (i.e., number of line hits per 1,000 tickets marked

per year to date), in 2021 National Fuel experienced 4.83 line hits per 1,000 tickets marked, compared to 6.99 hits per 1,000 tickets marked in 2017. Using this metric, this translates to at 30.9% decrease in line hits over this time period. In addition, many of the line hits are due to contractor error. To address this, National Fuel has developed a Risk Score to identify high risk excavators, and under the Settlement has agreed to create a program to provide more oversight where high risk excavators are known to be working. Over the past several years, the Company has also implemented several initiatives to reduce the number of problem locates, including improving GIS mapping. The Settlement builds upon and further enhances the Company's recent efforts to improve safety related to line locating and marking.

The Settlement further defines and memorializes the Company's training program for employees and contractors. The Company's training program will highlight issues found and lessons learned from field situations. The Settlement further memorializes the Company's use of specialized tools for low confidence locates. The Settlement also memorializes and enhances the Company's damage prevention measures.

The Settlement provisions as a whole are in the public interest as they enhance public safety related to line locating and marking in the Company's service territory.

D. Factors under the Commission's Policy Statement

Under the Policy Statement, the Commission may consider ten specific factors when evaluating settlements of alleged violations of the Public Utility Code and the Commission's Regulations. 52 Pa. Code § 69.1201(c).

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, and, if so, whether the conduct may warrant a higher penalty. There also was no willful fraud or misrepresentation related to the Incident. The alleged conduct in this case involves the mismarking of a gas line as a result of an Emergency Ticket due to a fallen utility pole. The gas line was struck and a fire occurred at a nearby residence. National Fuel recognizes the seriousness of providing safe and reliable gas service.

The second factor considers the seriousness of the consequences of the incident at issue. The fire that occurred at the residence was a serious consequence. Fortunately, there were no injuries or fatalities related to the Incident. When notified of the damage to the gas line, National Fuel responded promptly to the scene and took the actions that it deemed best to resolve the problems as quickly as possible. The terms and conditions of the Settlement recognize the seriousness of the Incident and are designed to enhance National Fuel's line locating and marking procedures and to minimize the likelihood that a similar incident occur in the future.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. This factor only applies in litigated cases and does not apply to the present case because this proceeding is a settled matter.

The fourth factor to be considered is whether National Fuel made efforts to modify internal policies and proce-

dures to address the alleged conduct at issue and to prevent similar conduct in the future. By way of example, and as explicitly noted in the Settlement, National Fuel has agreed to, among other things, (a) make GIS/mapping updates to its distribution system; (b) conduct annual line locate trainings for employees and contractors; and (c) enhance its damage prevention quality assurance/quality control programs.⁹

In addition, since the occurrence of the underlying incident which has given rise to the instant Settlement Agreement, National Fuel has proactively made adjustments to its practices on a voluntary basis in the spirit of continuous improvement. In this regard, among other things, National Fuel has: (a) implemented process to track high risk excavations and excavators; (b) invested in the use of specialized tools/technology for certain locates; (c) enhanced its damage prevention training efforts; (d) enhanced its quality assurance/quality control processes; and (e) has reviewed its emergency response protocols and procedures, as well as its procedures relative to making required reportings following incidents.¹⁰ The terms and conditions of the Settlement properly acknowledge National Fuel's efforts to modify and adopt internal policies and procedures to address the alleged issues.

The fifth factor to be considered deals with the number of customers affected and the duration of the violation. With respect to the Incident giving rise to the Settlement, a total of two (2) customers were impacted, with service being impacted for approximately eight (8) hours. National Fuel acknowledges the impact that such service interruption can have on any customers, and has thoroughly reviewed this incident for purposes of understanding the Company's response and "lessons learned." As a result, among other things, National Fuel identified that one of the factors contributing to the response time was the length of time it took to call-in Company employees to come in, in the middle of the night to resolve same. In this regard, National Fuel has taken steps internally to enhance response time to such call-outs, including negotiating requirements for responding to call-outs in its most recent negotiations with the labor organizations for which its Operations field employees are members. The terms and conditions of the Settlement adequately consider the serious nature of the incident, the number of customers affected, as well as National Fuel's response under the circumstances.

The sixth factor considered is the compliance history of National Fuel. National Fuel has an excellent compliance history with the Commission. Over the past several years, the Company has significantly improved its line hit ratio as noted above.

⁹ The modifications described above are presented in summary form herein for purposes of providing the instant "Statement in Support." Complete modifications agreed to between National Fuel and I&E are as specified in Section IV(B) of the Settlement, which is incorporated herein by reference. In the case of conflict between the list specified above and said Section IV(B) of the Settlement, the latter shall prevail.

¹⁰ See, note 1, supra.

The seventh factor considered is whether the regulated entity cooperated with the Commission's investigation. National Fuel fully supported and cooperated with I&E throughout its investigation.

The eighth factor is whether the amount of the civil penalty or fine will deter future violations. National Fuel submits that a civil penalty in the amount of \$125,000 is substantial and has significant deterrent weight. The civil penalty set forth in the Settlement appropriately recognizes the seriousness of the matter but also reflects a negotiated compromise by the parties that considers the efforts of the Company since the Incident occurred.

The ninth factor examines past Commission decisions in similar situations. When all relevant factors are evaluated, the Settlement is not inconsistent with past Commission actions. Moreover, since this is a settled matter, it should be considered on its own merits.

Relative to the tenth factor, National Fuel submits that additional relevant factors are also important to the Settlement. First, a settlement avoids the necessity for the prosecuting agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiated from their initial positions. The fines, penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise but allow the parties to move forward and to focus on implementing the agreed upon remedial actions. National Fuel has demonstrated a commitment consistent with the Commission's public safety goals and objectives both in its corrective actions prior to I&E's investigation and in this Settlement.

Based on the foregoing, the Settlement should be considered fair, equitable and reasonable under the Commission's Policy Statement.

IV. Conclusion

Wherefore, National Fuel Gas Distribution Corporation submits that this Settlement is the result of the parties' cooperative efforts, and constitutes a fair, equitable, and reasonable resolution of this proceeding. The Settlement resolves all issues related to I&E's investigation and satisfies the ten factors set forth in the Pennsylvania Public Utility Commission's Policy Statement, 52 Pa. Code § 69.1201(c). National Fuel Gas Distribution Corporation supports the Settlement and respectfully requests that the Pennsylvania Public Utility Commission approve the Settlement in its entirety, without modification.

Respectfully submitted,
 Anthony D. Kanagy (ID # 85522)
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 Harrisburg, PA 17101-1601
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 E-mail: akanagy@postschell.com
 Date: December 22, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement's Investigation of National Fuel Gas Distribution Corporation's November 1 and 2, 2020 Incident at 1202 Brown Avenue, Erie, Erie County, Pennsylvania : : : Docket No. M-2022-3024040

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail

Anthony D. Kanagy, Esq. Post & Schell, P.C. 17 North Second Street, 12th Floor Harrisburg, PA 17101-1601 akanagy@postschell.com

Emily A. Farren Prosecutor PA Attorney ID No. 322910

Bureau of Investigation and Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 (717) 783-6150 efarren@pa.gov

Date: December 27, 2022

[Pa.B. Doc. No. 23-275. Filed for public inspection February 24, 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 March 13, 2023. Filings are recommended to 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 March 13, 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 previously listed docket number 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-2023-3037871. Recovery Transit, LLC (436 North Main Street, # 1020, Doylestown, Bucks County, PA 18901) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2023-3038008. Apex Charters, LLC, t/a Legends Party Bus and Tours (40 Blue Jay Drive, DuBois, Clearfield County, PA 15081) persons in group and party service, in vehicles seating between 11 and 15 passengers, including the driver, within 150 miles of the City of DuBois, Clearfield County.

A-2023-3038089. AFJ Transportation, LLC (2525 South American Street, Philadelphia, Philadelphia County, PA 19148) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the City and County of Philadelphia.

ROSEMARY CHIAVETTA, Secretary

[Pa.B. Doc. No. 23-276. Filed for public inspection February 24, 2023, 9:00 a.m.]

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Application of Diane M. Kashuba for Reinstatement of Teaching Certificates; Doc. No. RE-23-001

Notice of Opportunity to Intervene or Protest, or Both

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Diane M. Kashuba for reinstatement of her teaching certificates.

Diane M. Kashuba filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Diane M. Kashuba waived her right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will

directly consider the application at a public meeting of the Commission. An interested party wishing to participate in this proceeding must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. A person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protests shall be filed with Shane Crosby, Executive Director of the Professional Standards and Practices Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate, should contact April Rivera at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,
Executive Director

[Pa.B. Doc. No. 23-277. Filed for public inspection February 24, 2023, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth’s Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

| <i>Ag Operation Name, Address</i> | <i>County/Township</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New, Amended or Existing</i> | <i>Action Taken</i> |
|---|---|--------------------------------|----------------------------------|---------------------------------|---------------------|
| David Blank—Veal Farm 2593 West Valley Road Loganton, PA 17747 | Clinton County/ Logan Township | 134.56 | Veal Cattle Swine Sheep | Amended | Approved |
| Kevin Brubaker, LLC— Chicken Ridge Farm 788 Summer Mountain Road Bernville, PA 19506 | Berks County/ Jefferson Township | 235.34 | Broilers | New | Approved |
| Monte Edgin 10368 Chester Furnace Road Shirleysburg, PA 17260 | Huntingdon County/ Cromwell Township | 13.2 | Equine | Existing | Rescinded |

| <i>Ag Operation Name, Address</i> | <i>County/Township</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New, Amended or Existing</i> | <i>Action Taken</i> |
|---|---|--------------------------------|--------------------|---------------------------------|---------------------|
| David Hoover—Layer Farm 7654 Leaser Road Kempton, PA 19529 | Lehigh County/ Lynn Township | 192.5 | Layers | New | Approved |
| Mercer-Vu Farms, Inc.—Home Farm 12275 Mount Pleasant Road Mercersburg, PA 17236 | Franklin County/ Montgomery Township | 1,685.4 | Cattle | New | Approved |
| Samuel G. Stoltzfus—Ferris Lane Farm 137 Ferris Lane Loganton, PA 17747 | Clinton County/ Logan Township | 75.95 | Veal | New | Approved |
| Apple Shamrock Dairy Farms, LLC 32821 Guys Mill Road Townville, PA 16360 | Crawford County/ Steuben Township | 2,891.8 | Dairy | Amended | Approved |

RICHARD NEGRIN,
Acting Chairperson

[Pa.B. Doc. No. 23-278. Filed for public inspection February 24, 2023, 9:00 a.m.]

