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Agencies in this issue

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The Courts

Department of Agriculture

Department of Banking and Securities

Department of Environmental Protection

Department of Human Services

Department of Labor and Industry

Department of Transportation

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

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

No. 570, May 2022

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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 2022.

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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Public and Virtual Hearings Scheduled

The Commission on Sentencing announces the following public and virtual hearings on Parole Guidelines and Reccommitment Ranges to be held in Harrisburg, PA by means of Zoom:

Tuesday, May 31, 2022	10 a.m.—12 p.m.	Public Hearing	PA DOC—Testimony is limited to DOC inmates and staff Zoom only: https://bit.ly/PCS2022May31PubHrng
Wednesday, June 1, 2022	2 p.m.—5 p.m.	Public Hearing	523 Irvis Building, Capitol Complex, Harrisburg, PA Zoom Webinar: https://bit.ly/PCS2022June1PubHrng

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 22-653. Filed for public inspection May 6, 2022, 9:00 a.m.]

COMMISSION ON SENTENCING

Public and Virtual Meetings Scheduled

The Commission on Sentencing (Commission) announces the following public and virtual meetings to be held in Harrisburg, PA and by means of Zoom:

Wednesday, June 1, 2022	6 p.m.	Dinner Meeting	Harrisburg Hilton and Towers Hotel One North Second Street
Thursday, June 2, 2022	9 a.m.	Policy Committee Meeting	523 Irvis Building, Capitol Complex, Harrisburg, PA Zoom Webinar: https://bit.ly/PCS2022June2
	11 a.m.	Quarterly Commission Meeting	523 Irvis Building, Capitol Complex, Harrisburg, PA Zoom Webinar: https://bit.ly/PCS2022June2

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 22-654. Filed for public inspection May 6, 2022, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Proposed Amendment of Pa.R.Crim.P. 550 (Pleas of Guilty Before Magisterial District Judge in Court Cases) and 590 (Pleas and Plea Agreements)

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Crim.P. 550 and 590 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Joshua M. Yohe, Counsel
Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9521
criminalrules@pacourts.us

All communications in reference to the proposal should be received by June 7, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

AARON J. MARCUS,
Chair

Annex A

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

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 550. Pleas of Guilty Before Magisterial District Judge in Court Cases.

(A) In a court case in which a magisterial district judge is specifically empowered by statute to exercise jurisdiction, a defendant may plead guilty before a magisterial district judge at any time up to the completion of the preliminary hearing or the waiver thereof.

(B) The magisterial district judge may refuse to accept a plea of guilty, and [**the magisterial district judge**] shall not accept such plea, unless [**there has been a**

determination] the magisterial district judge determines, after inquiry of the defendant **conducted in accordance with subdivision (E)**, that the plea is **[voluntarily and understandingly] knowingly, intelligently, and voluntarily** tendered.

(C) The plea shall be in writing:

(1) signed by the defendant, with a representation by the defendant that the plea is entered knowingly, [**voluntarily, and intelligently**] **intelligently, and voluntarily**; and

(2) signed by the magisterial district judge, with a certification that the plea was accepted after [**a full**] inquiry of the defendant **pursuant to subdivision (E)**, and that the plea was made knowingly, voluntarily, and intelligently.

(D) Before accepting a plea, the magisterial district judge shall be satisfied of:

(1) the court's jurisdiction to accept the plea; and

(2) the defendant's eligibility under the law to plead guilty before a magisterial district judge.

(E) The magisterial district judge shall question the defendant to confirm, at a minimum, the following:

(1) the defendant's identity;

(2) the defendant's capacity to comprehend and communicate in the proceedings;

(3) the defendant's satisfaction with the representation provided by his or her attorney, if any;

(4) there is a factual basis for the plea; and

(5) the defendant understands:

(a) the nature and elements of the offenses to which he or she is pleading guilty, the permissible range of sentences, including fines, for those offenses, the maximum aggregate sentence, and any applicable mandatory sentence;

(b) his or her right to counsel;

(c) he or she has certain rights, including, but not limited to: the right to a trial in the court of common pleas; the right to file and litigate pretrial motions; the right to testify; the right to cross-examine witnesses; and the right to call his or her own witnesses;

(d) he or she has the right to a trial by a jury, consisting of 12 jurors of his or her peers, if charged with an offense punishable by a maximum term of incarceration exceeding six months;

(e) he or she has the right to a unanimous verdict;

(f) the magisterial district judge is not bound by the terms of any plea agreement tendered unless the magisterial district judge accepts such agreement;

(g) a conviction may have consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to federal law if he or she is not a citizen of the United States;

(h) he or she is presumed innocent and can only be convicted if proven guilty beyond a reasonable doubt;

(i) the plea precludes consideration for ARD or other diversionary programs; and

(j) he or she may, as provided in subdivision (F), change the plea to not guilty within 30 days after sentence by notifying the magisterial district judge who accepted the plea of this decision in writing.

[D] F A defendant who enters a plea of guilty under this rule may, within 30 days after sentence, change the plea to not guilty by so notifying the magisterial district judge in writing. In such event, the magisterial district judge shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Rule 547, as though the defendant had been held for court.

[E] G Thirty days after the acceptance of the guilty plea and the imposition of sentence, the magisterial district judge shall certify the judgment, and shall forward the case to the clerk of courts of the judicial district for further proceedings.

Comment:

In certain cases, what would ordinarily be a court case within the jurisdiction of the court of common pleas has been placed within the jurisdiction of magisterial district judges. See [**Judicial Code**,] 42 Pa.C.S. § 1515(a)(5), (5.1), (6), (6.1), and (7). This rule provides the procedures to implement this expanded jurisdiction of magisterial district judges.

In those cases in which either the defendant declines to enter a plea of guilty before the magisterial district judge or the magisterial district judge refuses to accept a plea of guilty, the case is to proceed in the same manner as any other court case.

This rule applies whenever a magisterial district judge has jurisdiction to accept a plea of guilty in a court case.

Under [**paragraph**] **subdivision** (A), it is intended that a defendant may plead guilty at the completion of the preliminary hearing or at any time prior thereto.

Prior to accepting a plea of guilty under this rule, it is suggested that the magisterial district judge consult with the attorney for the Commonwealth concerning the case, concerning the defendant's possible eligibility for ARD or other types of diversion, and concerning possible related offenses that might be charged in the same complaint. See *Commonwealth v. Campana*, 304 A.2d 432 (Pa. 1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 314 A.2d 854 (Pa. 1974).

[Before accepting a plea:

(a) The magisterial district judge should be satisfied of jurisdiction to accept the plea, and should determine whether any other related offenses exist that might affect jurisdiction.

(b) The magisterial district judge should be satisfied that the defendant is eligible under the law to plead guilty before a magisterial district judge, and, when relevant, should check the defendant's prior record and inquire into the amount of damages.

(c) The magisterial district judge should advise the defendant of the right to counsel. For purposes of appointment of counsel, these cases should be treated as court cases, and the Rule 122 (Appointment of Counsel) procedures should be followed.

(d) The magisterial district judge should advise the defendant that, if the defendant wants to change the plea to not guilty, the defendant, within 30 days after imposition of sentence, must notify the magisterial district judge who accepted the plea of this decision in writing.

(e) The magisterial district judge should make a searching inquiry into the voluntariness of the defendant's plea. A colloquy similar to that suggested in Rule 590 should be conducted to determine the voluntariness of the plea. At a minimum, the magisterial district judge should ask questions to elicit the following information:

(1) that the defendant understands the nature of the charges pursuant to which the plea is entered;

(2) that there is a factual basis for the plea;

(3) that the defendant understands that he or she is waiving the right to trial by jury;

(4) that the defendant understands that he or she is presumed innocent until found guilty;

(5) that the defendant is aware of the permissible range of sentences and/or fines for the offenses charged;

(6) that the defendant is aware that the magisterial district judge is not bound by the terms of any plea agreement tendered unless the magisterial district judge accepts such agreement; and

(7) that the defendant understands that the plea precludes consideration for ARD or other diversionary programs.

See Rule 590 and the Comment thereto for further elaboration of the required colloquy.]

For purposes of appointment of counsel, cases proceeding under this rule are court cases, and Rule 122 (Appointment of Counsel) applies.

[See also *Commonwealth v. Minor*, 356 A.2d 346 (Pa. 1976), overruled on other grounds in *Commonwealth v. Minarik*, 427 A.2d 623, 627 (Pa. 1981); *Commonwealth v. Ingram*, 316 A.2d 77 (Pa. 1974); *Commonwealth v. Martin*, 282 A.2d 241 (Pa. 1971).]

As provided in subdivision (D)(1), before accepting a plea, the magisterial district judge must be satisfied of jurisdiction to accept the plea. This includes determining whether any other related offenses exist that might affect jurisdiction.

Similarly, pursuant to subdivision (D)(2), the magisterial district judge must be satisfied of the defendant's eligibility under the law to plead guilty before a magisterial district judge. When relevant, the magisterial district judge must review the defendant's prior record and inquire into the amount of damages.

[While the rule continues to require a written plea incorporating the contents specified in paragraph (C), the form of plea was deleted in 1985 because it is no longer necessary to control the specific form of written plea by rule.]

[**Paragraph**] **Subdivision** (C) does not preclude verbatim transcription of the colloquy and plea.

While subdivision (E)(5)(g) requires a defendant to be informed of the consequences of a conviction that a defendant who is not a citizen of the United

States may suffer, the court is not to inquire into the defendant's immigration status.

The time limit for withdrawal of the plea contained in [paragraph] subdivision [(D)] (F) [was increased from 10 days to 30 days in 2014 to place] places a defendant who enters a plea to a misdemeanor before a magisterial district judge closer to the position of a defendant who pleads guilty to the same offense in common pleas court or a defendant who pleads guilty to a summary offense before a magisterial district judge. A 30-day time period for withdrawal of the plea is consistent with the 30-day period for summary appeal and the 30-day common pleas guilty plea appeal period.

Withdrawal of the guilty plea is the only relief available before a magisterial district judge for a defendant who has entered a plea pursuant to this rule. Any further challenge to the entry of the plea must be sought in the court of common pleas.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

At the time of sentencing, or at any time within the 30-day period before transmitting the case to the clerk of courts pursuant to [paragraph] subdivision [(E)] (G), the magisterial district judge may accept payment of, or may establish a payment schedule for, installment payments of restitution, fines, and costs.

If a plea is not entered pursuant to this rule, the papers must be transmitted to the clerk of courts of the judicial district in accordance with Rule 547. After the time set forth in [paragraph] subdivision (A) for acceptance of the plea of guilty has expired, the magisterial district judge no longer has jurisdiction to accept a plea.

Regardless of whether a plea stands or is timely changed to not guilty by the defendant, the magisterial district judge must transmit the transcript and all supporting documents to the appropriate court, in accordance with Rule 547.

Once the case is forwarded as provided in this rule and in Rule 547, the court of common pleas has exclusive jurisdiction over the case and any plea incident thereto. The case would thereafter proceed in the same manner as any other court case, which would include, for example, the collection of restitution, fines, and costs; the establishment of time payments; and the supervision of probation in those cases in which the magisterial district judge has accepted a guilty plea and imposed sentence.

(Editor's Note: Pa.R.Crim.P. 550 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")

[Note: Rule 149 adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended August 22, 1997, effective January 1, 1998; renumbered Rule 550 and amended March 1, 2000, effective April 1, 2001; amended December 9, 2005, effective February 1, 2006; amended January 6, 2014, effective March 1, 2014; Comment revised March 9, 2016, effective July 1, 2016.

Committee Explanatory Reports:

Final Report explaining the August 22, 1997 amendments, that clarify the procedures following a district justice's acceptance of a guilty plea and

imposition of sentence in a court case published with the Court's order at 27 Pa.B. 4548 (September 6, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the December 9, 2005 changes to the rule clarifying the magisterial district judges' exercise of jurisdiction published with the Court's Order at 35 Pa.B. 6896 (December 24, 2005).

Final Report explaining the January 6, 2014 changes to the rule increasing the time for withdrawal of the guilty plea from 10 to 30 days published with the Court's Order at 44 Pa.B. 478 (January 25, 2014).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 705.1 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).]

PART H. Plea Procedures

Rule 590. Pleas and Plea Agreements.

(A) GENERALLY.

(1) Pleas shall be taken in open court.

(2) A defendant may plead not guilty, guilty, or, with the consent of the judge, *nolo contendere*. If the defendant refuses to plead, the judge shall enter a plea of not guilty on the defendant's behalf.

(3) Guilty Pleas and Pleas of *Nolo Contendere*.

(a) The judge may refuse to accept a plea of guilty or *nolo contendere*, and shall not accept [it] **such plea**, unless the judge determines, after inquiry of the defendant **conducted in accordance with subdivisions (A)(3)(b)—(d)**, that the plea is [voluntarily and understandingly] **knowingly, intelligently, and voluntarily** tendered. Such inquiry shall appear on the record.

(b) The judge, or, if permitted by the judge, either the attorney for the Commonwealth or the attorney for the defendant in the presence of the judge, shall question the defendant to confirm, at a minimum, the following:

(i) the defendant's identity;

(ii) the defendant's capacity to comprehend and communicate in the proceedings;

(iii) the defendant's satisfaction with the representation provided by his or her attorney, if any;

(iv) there is a factual basis for the plea; and

(v) the defendant understands:

(I) the nature and elements of the offenses to which he or she is pleading guilty or *nolo contendere*, the permissible range of sentences, including fines, for those offenses, the maximum aggregate sentence, and any applicable mandatory sentence;

(II) the Commonwealth's right to have a jury decide the degree of guilt if the defendant is pleading guilty to murder generally; and

(III) a conviction may have consequences of deportation, exclusion from admission to the United

States, or denial of naturalization pursuant to federal law if he or she is not a citizen of the United States.

(c) The judge, or, if permitted by the judge, either the attorney for the Commonwealth or the attorney for the defendant, shall question the defendant, either orally or in writing, to confirm, at a minimum, the following:

(i) the defendant's counsel has explained to the defendant the nature and the elements of the offenses to which he or she is pleading guilty or *nolo contendere* and that the defendant understands these offenses; and

(ii) the defendant understands:

(I) he or she has certain rights, including, but not limited to: the right to a trial; the right to file and litigate pretrial motions; the right to counsel; the right to testify; the right to cross-examine witnesses; and the right to call his or her own witnesses;

(II) he or she has the right to a trial by a jury, consisting of 12 jurors of his or her peers, if charged with an offense punishable by a maximum term of incarceration exceeding six months;

(III) he or she has the right to a unanimous verdict;

(IV) he or she is presumed innocent and can only be convicted if proven guilty beyond a reasonable doubt; and

(V) the grounds to appeal after a guilty plea are limited to the legality of the sentence, the voluntariness of the plea, and the jurisdiction of the court.

(d) Counsel for the defendant shall certify, either orally or in writing, that he or she has had the opportunity to discuss the case with the defendant and that the defendant has been advised of his or her rights.

(B) PLEA AGREEMENTS.

(1) At any time prior to the verdict, when counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and the attorney for the Commonwealth, that specific conditions in the agreement be placed on the record in camera and the record sealed.

(2) The judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or plea of *nolo contendere* is based, and that the defendant understands that the judge is not bound by the terms of the tendered plea agreement unless the judge accepts the plea agreement.

(3) Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule mandating deadline dates for the acceptance of a plea entered pursuant to a plea agreement.

(C) MURDER CASES.

In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty or *nolo contendere* to a charge of murder generally,

the degree of guilt shall be determined by a jury unless the attorney for the Commonwealth elects to have the judge, before whom the plea was entered, alone determine the degree of guilt.

Comment:

The purpose of [paragraph] subdivision (A)(2) is to codify the requirement that the judge, on the record, ascertain from the defendant that the guilty plea or plea of *nolo contendere* is [voluntarily and understandingly] knowingly, intelligently, and voluntarily tendered. On the mandatory nature of this practice, see *Commonwealth v. Ingram*, 316 A.2d 77 (Pa. 1974); *Commonwealth v. Campbell*, 304 A.2d 121 (Pa. 1973); *Commonwealth v. Jackson*, 299 A.2d 209 (Pa. 1973).

[It is difficult to formulate a comprehensive list of questions a judge must ask of a defendant in determining whether the judge should accept the plea of guilty or a plea of *nolo contendere*. Court decisions may add areas to be encompassed in determining whether the defendant understands the full impact and consequences of the plea, but is nevertheless willing to enter that plea. At a minimum the judge should ask questions to elicit the following information:

(1) Does the defendant understand the nature of the charges to which he or she is pleading guilty or *nolo contendere*?

(2) Is there a factual basis for the plea?

(3) Does the defendant understand that he or she has the right to trial by jury?

(4) Does the defendant understand that he or she is presumed innocent until found guilty?

(5) Is the defendant aware of the permissible range of sentences and/or fines for the offenses charged?

(6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

(7) Does the defendant understand that the Commonwealth has a right to have a jury decide the degree of guilt if the defendant pleads guilty to murder generally?

The Court in *Commonwealth v. Willis*, 369 A.2d 1189 (Pa. 1977), and *Commonwealth v. Dilbeck*, 353 A.2d 824 (Pa. 1976), mandated that, during a guilty plea colloquy, judges must elicit the information set forth in paragraphs (1) through (6) above. In 2008, the Court added paragraph (7) to the list of areas of inquiry.

Many, though not all, of the areas to be covered by such questions are set forth in a footnote to the Court's opinion in *Commonwealth v. Martin*, 282 A.2d 241, 244-245 (Pa. 1971), in which the colloquy conducted by the trial judge with approval. See also *Commonwealth v. Minor*, 356 A.2d 346 (Pa. 1976), and *Commonwealth v. Ingram*, 316 A.2d 77 (Pa. 1974). As to the requirement that the judge ascertain that there is a factual basis for the plea, see *Commonwealth v. Maddox*, 300 A.2d 503 (Pa. 1973) and *Commonwealth v. Jackson*, 299 A.2d 209 (Pa. 1973).]

While subdivision (A)(3)(b)(v)(III) requires a defendant to be informed of the consequences of a

conviction that a defendant who is not a citizen of the United States may suffer, the court is not to inquire into the defendant's immigration status.

In addition to ensuring that the defendant understands the terms of a plea agreement pursuant to subdivision (B)(1), the court must also be satisfied that the defendant's decision to enter the plea has not been induced by promises made beyond those contained in the plea agreement nor tainted by coercion.

A judge either shall accept or reject the plea agreement in whole. See *Commonwealth v. Parsons*, 969 A.2d 1259 (Pa. Super. 2009) ("If the court is dissatisfied with any of the terms of the plea bargain, it should not accept the plea; instead, it should give the parties the option of proceeding to trial before a jury.")

It is advisable that the judge conduct the examination of the defendant. However, [paragraph] subdivisions (A)(3)(b) and (c) [does not prevent] authorize the judge to permit defense counsel or the attorney for the Commonwealth [from conducting] to conduct part or all of the examination of the defendant[, as permitted by the judge. In addition, nothing in the rule would preclude the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the plea proceedings. This written colloquy would have to be supplemented by some on-the-record oral examination. Its use would not, of course, change any other requirements of law, including these rules, regarding the prerequisites of a valid guilty plea or plea of nolo contendere].

The "terms" of the plea agreement, referred to in [paragraph] subdivision (B)(1), frequently involve the attorney for the Commonwealth—in exchange for the defendant's plea of guilty or nolo contendere, and perhaps for the defendant's promise to cooperate with law enforcement officials—promising concessions such as a reduction of a charge to a less serious offense, the dropping of one or more additional charges, a recommendation of a lenient sentence, or a combination of these. In any event, [paragraph] subdivision (B) is intended to insure that all terms of the agreement are openly acknowledged for the judge's assessment. See, e.g., *Commonwealth v. Wilkins*, 277 A.2d 341 (Pa. 1971).

[The 1995 amendment deleting former paragraph (B)(1) eliminates the absolute prohibition against any judicial involvement in plea discussions in order to align the rule with the realities of current practice. For example, the rule now permits a judge to inquire of defense counsel and the attorney for the Commonwealth whether there has been any discussion of a plea agreement, or to give counsel, when requested, a reasonable period of time to conduct such a discussion.] Nothing in this rule[, however,] is intended to permit a judge to suggest to a defendant, defense counsel, or the attorney for the Commonwealth, that a plea agreement should be negotiated or accepted.

[Paragraph (B)(1) was amended and paragraph (B)(3) was added in 2018 to clarify that the intent of this rule is that a plea made pursuant to an agreement may be entered any time prior to verdict. Any local rule that places a time limit for the entry of such pleas prior to verdict is in conflict with this rule and therefore invalid.]

Under [paragraph] subdivision (B)(1), upon request and with the consent of the parties, a judge may, as permitted by law, order that the specific conditions of a plea agreement be placed on the record in camera and that portion of the record sealed. Such a procedure does not in any way eliminate the obligation of the attorney for the Commonwealth to comply in a timely manner with Rule 573 and the constitutional mandates of *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. Similarly, the attorney for the Commonwealth is responsible for notifying the cooperating defendant that the specific conditions to which the defendant agreed will be disclosed to third parties within a specified time period, and should afford the cooperating defendant an opportunity to object to the unsealing of the record or to any other form of disclosure.

[When a guilty plea, or plea of nolo contendere, includes a plea agreement, the 1995 amendment to paragraph (B)(2) requires that the judge conduct a separate inquiry on the record to determine that the defendant understands and accepts the terms of the plea agreement. See *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991).

Former paragraph (B)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See paragraph (A)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 591. As provided in Rule 591, it is a matter of judicial discretion and case law whether to permit or direct a guilty plea or plea of nolo contendere to be withdrawn. See also *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991) (the terms of a plea agreement may determine a defendant's right to withdraw a guilty plea).]

For the procedures governing the withdrawal of a plea of guilty or nolo contendere, see Rule 591.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

[Paragraph (C) reflects a change in Pennsylvania practice, that formerly required the judge to convene a panel of three judges to determine the degree of guilt in murder cases in which the imposition of a sentence of death was not statutorily authorized. The 2008 amendment to paragraph (C) and the Comment recognizes the Commonwealth's right to have a jury determine the degree of guilt following a plea of guilty to murder generally. See Article I, § 6 of the Pennsylvania Constitution that provides that "the Commonwealth shall have the same right to trial by jury as does the accused." See also *Commonwealth v. White*, 910 A.2d 648 (Pa. 2006).]

For the procedures for accepting a guilty plea in a court case before a magisterial district judge, see Rule 550.

(Editor's Note: Pa.R.Crim.P. 590 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")

[Note: Rule 319 (a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective 30 days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised

form March 28, 1973, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraph (c) added and Comment revised May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; amended December 22, 1995, effective July 1, 1996; amended July 15, 1999, effective January 1, 2000; renumbered Rule 590 and Comment revised March 1, 2000, effective April 1, 2001; amended September 18, 2008, effective November 1, 2008; Comment revised March 9, 2016, effective July 1, 2016; amended January 18, 2018, effective April 1, 2018.

Committee Explanatory Reports:

Final Report explaining the December 22, 1995 amendments published with the Court's Order at 26 Pa.B. 8 (January 6, 1996).

Final Report explaining the July 15, 1999 changes concerning references to *nolo contendere* pleas and cross-referencing Rule 320 published with the Court's Order at 29 Pa.B. 4057 (July 31, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the September 18, 2008 amendments to paragraph (C) concerning juries determining degree of guilt published with the Court's Order at 38 Pa.B. 5431 (October 4, 2008).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 705.1 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

Final Report explaining the January 18, 2018 amendments concerning plea agreement deadlines published with the Court's Order at 48 Pa.B. 730 (February 3, 2018).]

SUPREME COURT OF PENNSYLVANIA

CRIMINAL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Crim.P. 550 and 590

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 550 and 590. Primarily, the proposed amendments would relocate from the Comments to the rule text the information required to be elicited from a defendant to ensure that his or her plea is being entered into knowingly, intelligently, and voluntarily. The proposed amendments would also require a defendant to be advised of the possible consequences of a plea if the defendant is not a citizen of the United States. See *Padilla v. Kentucky*, 559 U.S. 356 (2010).

The Comments to Rules 550 and 590 currently include a list of six areas a judge must, at a minimum, inquire into to ensure that the defendant's plea is being entered knowingly, intelligently, and voluntarily. Those six areas are: (1) the defendant's understanding of the nature of the offenses pursuant to which the plea is entered; (2) the factual basis for the plea; (3) the defendant's understanding that he or she is waiving the right to a trial; (4) the defendant's understanding that he or she is presumed innocent until found guilty; (5) whether the defendant is aware of the permissible range of sentences and/or fines

for the offenses charged; and (6) whether the defendant is aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement. See *Commonwealth v. Willis*, 369 A.2d 1189 (Pa. 1977), and *Commonwealth v. Dilbeck*, 353 A.2d 824 (Pa. 1976). With the amendment proposed here, those areas of inquiry would be relocated to subdivision (E) of Rule 550 and subdivisions (A)(3)(b) and (c) of Rule 590. The Committee's proposal is intended to redress the inaptness of mandatory inquiries being enumerated in commentary. Both rules would augment the above six areas with additional required inquiries.

Beginning with the proposed amendment of Rule 550, subdivision (D) of that rule would require the magisterial district judge to be satisfied of the court's jurisdiction to accept the plea and of the defendant's eligibility to plead before a magisterial district judge. Subdivision (E) of Rule 550 would require the following information to be confirmed by the judge: the defendant's identity; the defendant's capacity to comprehend and communicate in the proceedings; the defendant's satisfaction with the representation of counsel, if any; and that there is a factual basis for the plea. Subdivision (E) would also require the magisterial district judge to confirm that the defendant understands all of the following: the nature of the charges and the permissible range of sentences; his or her right to counsel; his or her right to trial in the court of common pleas; his or her right to file and litigate pretrial motions, to testify at trial, to cross-examine witnesses, and to call his or her own witnesses; that he or she is presumed innocent and can only be convicted if proven guilty beyond a reasonable doubt; and that the judge is not bound by the terms of any plea agreement unless the judge accepts the agreement. Additionally, Rule 550 would require inquiry into the defendant's understanding that the plea precludes consideration for ARD and that he or she has 30 days after imposition of sentence to change his or her plea to not guilty by notifying the magisterial district judge in writing.

The Comment to Rule 550 would be amended to advise that a magisterial district judge's verification of the court's jurisdiction to accept a plea—as would be required by new subdivision (D)(1)—“includes determining whether any other related offenses exist that might affect jurisdiction.” The Comment would also advise that determining whether a defendant is eligible to plead before the magisterial district judge—a determination required by new subdivision (D)(2)—may necessitate a “review [of] the defendant's prior record and inquir[y] into the amount of damages.” Regarding the appointment of counsel, the Comment would direct the reader to Rule 122 (Appointment of Counsel) as cases disposed of pursuant to Rule 550 are court cases. See Pa.R.Crim.P. 103 (Definitions) (defining a court case as a case where one or more offenses is a misdemeanor, felony, or murder).

Like Rule 550, Rule 590 currently has mandatory areas of inquiry enumerated in its Comment. With this proposal, those areas of mandatory inquiry would be relocated to the rule text. New subdivision (A)(3)(b) of Rule 590 would require all of the following to be confirmed orally on the record: the identity of the defendant; the defendant's capacity to comprehend and communicate in the proceedings; the defendant's satisfaction with any representation by counsel, if any; and that there is a factual basis for the plea. Subdivision (A)(3)(b) would also require oral confirmation on the record that the defendant understands: the nature of the charges to which he or she is pleading guilty or *nolo contendere*; the permissible range of sentences; and, if the defendant is pleading

guilty to murder generally, that the Commonwealth has the right to have a jury decide the degree of guilt.

While all of the areas of inquiry enumerated in subdivision (A)(3)(b) must be confirmed orally on the record, new subdivision (A)(3)(c) of Rule 590 would permit oral or written confirmation of the defendant's understanding of the following: that he or she is presumed innocent and can only be convicted if proven guilty beyond a reasonable doubt and that he or she has the right to have a trial, to file and litigate pretrial motions, to be represented by counsel, to testify at trial, to cross-examine witnesses, and to call his or her own witnesses. Subdivision (A)(3)(c) would also require oral or written confirmation that the defendant's counsel has explained the nature and the elements of the charges to which the defendant is pleading guilty or *nolo contendere* and that any appeal after a guilty plea is limited to the legality of the sentence, the voluntariness of the plea, and the jurisdiction of the court. New subdivision (A)(3)(d) would require defense counsel to certify on the record that he or she "has had the opportunity to discuss the case with the defendant and that the defendant has been advised of his or her rights." This certification can be memorialized either orally or in writing. Subdivision (B)(2) would be amended to require the judge to ensure that the defendant understands that the judge is not bound by the terms of any plea agreement unless the judge accepts the agreement.

Additionally, Rule 590(A)(3)(b) and (c) would authorize the judge to permit either the attorney for the Commonwealth or the attorney for the defendant to conduct the required questioning of the defendant. With respect to subdivision (A)(3)(b), any questioning of the defendant by either attorney would be required to be conducted in the presence of the judge.

The Comment to Rule 590 would be amended to advise a court that it must be satisfied "that the defendant's decision to enter the plea has not been induced by promises made beyond those contained in the plea agreement nor tainted by coercion." The Comment would also cite *Commonwealth v. Parsons*, 969 A.2d 1259 (Pa. Super. 2009) to clarify that a judge shall either accept or reject a plea agreement in whole.

Several amendments would be made to both rules. First, both rules would require the court, or, if permitted by the judge, the attorney for the Commonwealth or the attorney for the defendant in the case of Rule 590, to ensure that the defendant understands that a conviction may have consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to federal law if the defendant is not a citizen of the United States. Proposed Rules 550(E)(5)(g) and 590(A)(3)(b)(v)(III); see *Padilla v. Kentucky*, 559 U.S. 356 (2010). While each rule would require a defendant to be informed of these possible consequences, the Comments to these rules would be amended to warn that "the court is not to inquire into the defendant's immigration status." The Committee elected to include this caution because such inquiry could be perceived as arising out of a discriminatory motive, calling into question the impartiality of the court. Moreover, the improper use of a defendant's immigration status for a discriminatory purpose would likely be violative of Title VI of the Civil Rights Act of 1964. Second, both rules would require inquiry into the defendant's understanding that he or she has the right to a unanimous verdict, *Commonwealth v. Jackson*, 324 A.2d 350 (Pa. 1974); *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020), and, if charged with any offense punishable by a maximum period of incarceration exceed-

ing six months, the right to a trial by a jury, *Commonwealth v. Mayberry*, 327 A.2d 86 (Pa. 1974). To increase uniformity, subdivision (B) of Rule 550 and subdivision (A)(3)(a) of Rule 590, which provide preliminary instructions and requirements with respect to the accepting of a plea, would be revised to reflect their analogous function within their respective rules.

Finally, historical commentary and commentary that merely restates or paraphrases the rule text would be deleted from the Comments to both rules, and citations to case law that serve as authority for the areas of mandatory inquiry currently enumerated in the Comments would be deleted in conjunction with the relocation of those mandatory inquiries to the rule text.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 22-655. Filed for public inspection Mary 6, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Civil Procedure *200. Trial Readiness.; Adoption of Local Rule of Civil Procedure *200. Trial Readiness.; No. 2022-00001

Order

And Now, this 25th day of April, 2022, the Court hereby Rescinds Montgomery County Local Rule of Civil Procedure 200—Trial Readiness—originally adopted on March 10, 2020, and Adopts Montgomery County Local Rule of Civil Procedure 200—Trial Readiness—effective June 1, 2022.

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 *200. Trial Readiness.

[Rescinded]

Rule *200. Trial Readiness.

(1) *Application*. This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, and appeals from the Board of Assessment Appeals and other local agencies.

For cases filed on or after January 1, 2019 which were temporarily exempted from the then-effective version of this Rule by the Judicial Emergency Order dated November 24, 2020, an Order will be issued revoking such temporary exemption. For purposes of transition to the current version of this Rule, the Court shall issue new

Case Management Orders as appropriate for cases commenced between January 1, 2019 and the effective date of the current Rule. Nothing in this Rule shall affect any Case Management Order in effect as of the effective date of the current Rule.

(2) Nothing in this rule shall relieve the parties from the duty to move a civil action forward expeditiously, including, but not limited to:

a) Prompt commencement and completion of fact discovery from the commencement of any civil action subject to this local rule;

b) Exchange of expert reports and curricula vitae of said experts, or answers to expert interrogatories;

c) The timely filing of dispositive motions.

(3) *Arbitration Cases.* Except for cases excluded by paragraph (1) above, this paragraph applies to every civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party indicates that the action is subject to compulsory arbitration.

a) Approximately 60 days after the commencement of the action (or after the transfer of the action from another jurisdiction), the Court Administrator shall issue a Case Management Order setting deadlines for the close of fact discovery approximately 9 months from commencement; the service of Plaintiffs' expert reports approximately 10 months from commencement; the service of Defendants' and Additional Defendants' expert reports approximately 11 months from commencement; and the filing of dispositive motions approximately 12 months from commencement. The Order shall direct Plaintiffs to serve a copy of the Order immediately upon any party that is subsequently served with process or joined in the action and any attorney that subsequently enters an appearance for such a party. The Order shall provide that the action shall be added to the Court's Arbitration Inventory promptly after the deadline for filing dispositive motions if no timely dispositive motion is filed or promptly after the determination of all timely filed dispositive motions. Parties may obtain an earlier listing for arbitration hearing by filing a praecipe under Local Rule 1302*(b)(1).

b) Upon the filing of an appeal from an arbitration award, the case shall be added to the Court's Civil Trial Inventory approximately 90 days from the filing of the appeal.

(4) *Non-Arbitration Cases.* Except in cases excluded by paragraph (1) or covered by paragraph (3) above, approximately 60 days after the commencement of the action (or after the transfer of the action from another jurisdiction), the Court Administrator shall issue a Case Management Order setting deadlines for the close of fact discovery approximately 18 months from commencement; the service of Plaintiffs' expert reports approximately 19 months from commencement, the service of Defendants' and Additional Defendants' expert reports approximately 20 months from commencement, and the filing of dispositive motions approximately 21 months from commencement. The Order shall direct Plaintiffs to serve a copy of the Order immediately upon any party that is subsequently served with process or joined in the action and any attorney that subsequently enters an appearance for such a party. The Order shall provide that the action shall be added to the Court's Civil Trial Inventory promptly after the deadline for filing dispositive motions if no timely dispositive motion is filed or promptly after the determination of all timely filed dispositive motions. Parties may obtain an earlier listing for trial by filing a praecipe under Local Rule 212.1*(d).

(5) *Stipulations to Expedite Deadlines.* Prior to the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, for entry of a Case Management Order that sets deadlines earlier than the standard Order that would issue under paragraph (3) or (4) above. After the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, that advances any or all of the deadlines in the Case Management Order to earlier dates. A Stipulation that purports to extend any deadlines in a Case Management Order shall not be filed and, if filed, shall be of no force or effect.

(6) *Special Management Cases.*

a) If an action is unusually complex or presents unusual circumstances that would make it impractical to comply with the standard deadlines, any party may file a Motion to Designate Case for Special Management. Such Motions are not favored and will be granted only upon a compelling showing of need. Circumstances that may support such a Motion include, but are not limited to, an unusually large number of parties; the need for an unusually broad or complex scope of discovery that cannot be completed by the standard deadline; complex legal issues that require specially phased discovery; and the need to stay a case pending the outcome of a related case. The Motion should include the position of other parties, to the extent practical. Any such Motion should be filed as soon as it becomes apparent that special management is required and need not await the issuance of a standard Case Management Order. Undue delay in filing a Motion may be grounds in itself for denial of the Motion.

b) Any other party may file a response within 15 days of the filing of the Motion.

c) If the Motion is granted, the case shall be referred to a Civil Case Management Hearing Officer, who shall promptly convene a conference with counsel and thereafter submit to the Court a recommendation on a Case Management Order tailored to the particular needs of the case. Upon reviewing the recommendation, the Court will then issue a Case Management Order, which will supersede any standard Case Management Order previously issued by the Court Administrator.

(7) *Motions for Extraordinary Relief.* Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1*(d)(4)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 15 days in which to respond, after which time the Court will enter an appropriate order.

(8) *Transfer to or from Arbitration Track.* At any time prior to a trial or arbitration hearing, a party may file a motion for transfer to another track or the parties may stipulate to a transfer, subject to Court approval. The Court can also, sua sponte, order the transfer of a case from one track to another. In the event of a transfer from the arbitration track to the non-arbitration track, the Court Administrator, upon written request of any party, shall issue a new Case Management Order consistent, as much as possible, with the deadlines in paragraph (4) above.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;
2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;
3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;
4. All cases involving title to real estate and equity cases are considered “Non-Arbitration Cases.”
5. See Local Rule 208.3(b)(2) for the time limit on filing any motion to compel discovery.

[Pa.B. Doc. No. 22-656. Filed for public inspection May 6, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SNYDER COUNTY

Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act; No. 15 AD 2021; No. AD-10-2022

Order

And Now, April 13, 2022, pursuant to recent amendments of the Federal Juvenile Justice Reform Act (JJRA) of 2018, 34 U.S.C. § 11101 et seq., it is hereby Ordered and Directed that a juvenile (a child under the age of eighteen) arrested on or after April 13, 2022, for an act designated as a crime under the laws of this Commonwealth and subject to adult criminal proceedings, including criminal proceedings initiated pursuant to provisions of the Juvenile Act (42 Pa.C.S. § 6302 and 6355), and who is not related on bail, shall be detained at Central Counties Youth Center or other juvenile facility until such time as a Common Pleas judge, upon motion of the Commonwealth, promptly makes the “interest of justice” determination as required by 34 U.S.C. § 11133(a)(3)(B) and commits the juvenile for incarceration in Snyder County Prison. The period(s) of incarceration of the subject juvenile shall be in accordance with the requirements of the JJRA, unless waived in writing or on the record by the juvenile.

It is hereby ordered that the Administrative Order for the Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act is adopted as follows:

Copies of the administrative order should be distributed according to the following schedule:

A. One copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

B. Two paper copies and one electronic copy in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to the following address:

Pa. Code and Bulletin
Legislative Reference Bureau
647 Main Capitol Building
Harrisburg, PA 17120

The Administrative Office of Snyder County Courts is directed as follows:

Publish a copy of the Administrative Order on the website of the Administrative Office of Snyder County Courts.

Thereafter, compile the Administrative Order within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

File one copy of the Administrative Order in the appropriate filing office for public inspection and copying.

The Administrative Order for Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 22-657. Filed for public inspection May 6, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

UNION COUNTY

Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act; No. 15 AD 2021; No. CP-60-AD-7-2022

Order

And Now, April 13, 2022, pursuant to recent amendments of the Federal Juvenile Justice Reform Act (JJRA) of 2018, 34 U.S.C. § 11101 et seq., it is hereby Ordered and Directed that a juvenile (a child under the age of eighteen) arrested on or after April 13, 2022, for an act designated as a crime under the laws of this Commonwealth and subject to adult criminal proceedings, including criminal proceedings initiated pursuant to provisions of the Juvenile Act (42 Pa.C.S. § 6302 and 6355), and who is not related on bail, shall be detained at Central Counties Youth Center or other juvenile facility until such time as a Common Pleas judge, upon motion of the Commonwealth, promptly makes the “interest of justice” determination as required by 34 U.S.C. § 11133(a)(3)(B) and commits the juvenile for incarceration in Union County Prison. The period(s) of incarceration of the subject juvenile shall be in accordance with the requirements of the JJRA, unless waived in writing or on the record by the juvenile.

It is hereby ordered that the Administrative Order for the Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act is adopted as follows:

Copies of the administrative order should be distributed according to the following schedule:

A. One copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

B. Two paper copies and one electronic copy in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to the following address:

Pa. Code and Bulletin
Legislative Reference Bureau
647 Main Capitol Building
Harrisburg, PA 17120

The Administrative Office of Union County Courts is directed as follows:

Publish a copy of the Administrative Order on the website of the Administrative Office of Union County Courts.

Thereafter, compile the Administrative Order within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

File one copy of the Administrative Order in the appropriate filing office for public inspection and copying.

The Administrative Order for Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 22-658. Filed for public inspection May 6, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated March 23, 2022, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 22, 2022 for Compliance Group 2.

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

Berman, William Steven
Marlton, NJ

Brucker, Scott Evan
Camden, NJ

Coats, Ira Fitzgerald Jr.
Washington, DC

Concepcion, Theresa
Sparrows Point, MD

Della Porta, Armand J. Jr.
Wilmington, DE

DiMento, Anthony F.
Cherry Hill, NJ

Fanelli, Cecelia L.
New York City, NY

Freed, Alexandra M.
Pennington, NJ

Gladney, Alexander Douglas
Lake Oswego, OR

Howard, James Elliot
Fayetteville, GA

Hutchinson, Alyse
Palatine, IL

Kent, Michael
London

Lee, Ernest
Live Oak, FL

Lufadeju, Suzanne Oluwabukola
Wilmington, DE

Madin, Khaled
Parsippany, NJ

Min, Leah Ann HyungJu
Washington, DC

Muhly, James Arthur Bertram Sr.
Saint Clairsville, OH

Scott, Eric Thomas
Cinnaminson, NJ

Stevens, Scott Evan
Bloomington, MN

Stow, Meredith Anne
Washington, DC

Taylor, Tierra
Cornelius, NC

Ward, Virginia Cora
Weston, MA

Webb, Danielle Nicole
Sicklerville, NJ

White, George S.
Hightstown, NJ

Wingfield, Jason Eugene
Morgantown, WV

Winter, Christopher Martin
Wilmington, DE

Wright, Grant Cameron
Westville, NJ

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 22-659. Filed for public inspection May 6, 2022, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 160]

State Food Purchase Program Regulations

The Department of Agriculture (Department) amends Chapter 160 (relating to State Food Purchase Program) to read as set forth in Annex A.

Statutory Authority

This final-form rulemaking is authorized under the general authority in section 3(a) of the State Food Purchase Program Act (act) (62 P.S. § 4043(a)) and the specific regulatory authority set forth in section 9 of the act (62 P.S. § 4049).

Purpose of the Regulation

This final-form rulemaking increases the income threshold cap for the State Food Purchase Program (Program) from the current 150% of the poverty level established by the United States Department of Agriculture (USDA) to 185%. This final-form rulemaking amends the heading of Part VII from “Bureau of Government Donated Food” to “Bureau of Food Assistance” to align the name change of the Bureau.

Explanation

On October 7, 2020, the Emergency Food Assistance Advisory Committee recommended that the income threshold for the Program be increased from the current 150% to 185% of the poverty level established by the USDA. Specifically, § 160.5(b) (relating to eligibility of persons to participate) presently provides that “persons shall be eligible to be Program participants if their incomes do not exceed 150% of the poverty levels established by the USDA.” Presently, 66 out of 67 counties in this Commonwealth do not have procedures and guidelines for determining the eligibility level for Program participants. Those counties, therefore, rely upon the Department’s existing regulations. (Montgomery County has established its own poverty income level at 185%.) These regulations were adopted on October 28, 1994, and have been effective since October 29, 1994. The Department believes for the following reasons, it is appropriate to amend this regulation.

Increasing the threshold to 185% allows the charitable feeding network to feed more food insecure Pennsylvanians who make just above the current income limit and would bring the Program in line with the eligibility limits set for several other food assistance programs, including the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (7 CFR 246.7(d)(1) (relating to certification of participants)), reduced-price school breakfasts and school lunches provided through the National School Lunch and Breakfast Programs (7 CFR 245(3) (relating to determining eligibility for free and reduced price meals and free milk in schools)), the WIC Farmers’ Market Nutrition Program (7 CFR 248.6(a) (relating to recipient eligibility)) and the Senior Farmers’ Market Nutrition Program (7 CFR 249.6(a)(3) (relating to participant eligibility)) within this Commonwealth.

Increasing the income eligibility threshold for the Program allows the Department to administratively raise this Commonwealth’s income eligibility threshold for The

Emergency Food Assistance Program (TEFAP). Under the USDA’s regulations in 7 CFR 251.5(b) (relating to eligibility determinations), state agencies must set income-based standards for TEFAP eligibility and determine the methods by which households may demonstrate eligibility under these standards. Currently, the income limit for TEFAP in this Commonwealth is kept commensurate with the Program and increasing it to 185% would bring this Commonwealth in line with the TEFAP income limit of 20 other states, including Delaware, the District of Columbia, New Jersey and West Virginia. Currently, only 17 states (including Pennsylvania) have an income threshold set at or below 150%.

According to 2019 food insecurity data provided by Feeding America, 10.6% of all residents in this Commonwealth—1,353,730 people—did not always know where their next meal was coming from. That number included 383,500—or 14.6%—of all children in this Commonwealth. In 2020, as a result of the novel coronavirus (COVID-19) pandemic, these numbers grew substantially. According to a series of data analysis reports compiled by Feeding America looking at the impact of COVID-19 on food insecurity, the number of Pennsylvanians facing food insecurity is projected to have grown to 13.8% in 2020, an increase of 30%. Even more startling, Feeding America projects that the percentage of children in our State facing food insecurity rose to 20.4%, an increase of 40% in just 1 year. (See 2019 and 2020 data looking at impact of coronavirus on food insecurity at <https://feedingamericaaction.org/resources/state-by-state-resource-the-impact-of-coronavirus-on-food-insecurity/>).

With a growing number of food insecure Pennsylvanians, and a decreasing supply of food that is not tied to an income test, there are fewer and fewer food resources currently available to those who are food insecure but make just too much to qualify. Increasing the income threshold to 185% of the poverty level for the Program—and by administrative extension to TEFAP—allows food banks to more easily and efficiently serve the increasing numbers of people who are seeking out their services. Lastly, this final-form rulemaking brings this Commonwealth more in line with the income eligibility thresholds of several other Federal food assistance programs and with many of our neighboring states in the Mid-Atlantic Region.

This final-form rulemaking formally amends the name “Bureau of Government Donated Food” as presently set forth in the heading of Part VII and in § 160.13 (relating to filing the grant agreement) to the “Bureau of Food Assistance.” On May 15, 2019, the Executive Board, by Resolution No. OR-19-007, approved the change to the Bureau’s name as requested by the Secretary of Agriculture under sections 212 and 709(b) of The Administrative Code of 1929 (71 P.S. §§ 72 and 249(b)).

Comments to the Proposed Rulemaking

The Department published a notice of proposed rulemaking at 51 Pa.B. 6399 (October 9, 2021), for 30 days of public comment. The Department did not receive any public comments relating to the proposed rulemaking. The Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and informed the Department that it had no objections, comments or recommendations to offer on the proposed rulemaking. The Department did not receive any comments from the House Agriculture and Rural Affairs Committee or the

Senate Agriculture and Rural Affairs Committee as part of their review of the proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

Fiscal Impact

Commonwealth. The Department does not expect that this final-form rulemaking will have a fiscal impact on the Department or other Commonwealth agencies.

Political subdivisions. This final-form rulemaking will have no appreciable fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will not have a fiscal impact on the private sector other than for those who elect to participate in the Program as previously set forth.

General public. This final-form rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will have no impact on the paperwork handled by the Department.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Additional Information

Additional information may be obtained from Caryn Long Earl, Director, Bureau of Food Assistance, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2688, cearl@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 29, 2021, the Department submitted a copy of the proposed rulemaking, published at 51 Pa.B. 6399, to IRRC and to the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department shall submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. No comments were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on February 18, 2022, the final-form rulemaking was deemed approved by the House and Senate Agriculture and Rural Affairs Committees. Under section 5.1(e) of the Regulatory Review Act, on March 20, 2022, because it had no comments on the proposed rulemaking and the Department did not amend the rulemaking, IRRC deemed the final-form rulemaking approved under section 5(g) of the Regulatory Review Act.

Findings

The Department finds that:

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

(2) A public comment period was provided as required by law and no comments were received.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 51 Pa.B. 6399.

(4) These regulations are necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under its authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 160, are amended by amending §§ 160.5(b) and 160.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Department shall submit this final-form rulemaking to IRRC and the applicable standing committees as required by law.

(d) The Department shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

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

RUSSELL C. REDDING,
Secretary

(*Editor's Note:* See 52 Pa.B. 2087 (April 2, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 2-195 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 7. AGRICULTURE

PART VII. BUREAU OF FOOD ASSISTANCE

CHAPTER 160. STATE FOOD PURCHASE PROGRAM

§ 160.5. Eligibility of persons to participate.

(a) *Primary determinant.* If the county government, lead agency or emergency food provider administering the Program within a particular county has established procedures and guidelines for determining whether persons are eligible to participate in the Program, these procedures and guidelines shall be the sole determinant of eligibility.

(b) *Department guidelines.* In counties where the county government, lead agency or emergency food provider administering the Program does not have procedures and guidelines for determining the eligibility of persons to be Program participants, persons shall be eligible to be Program participants if their incomes do not exceed 185% of the poverty levels established by the USDA.

§ 160.13. Filing the grant agreement.

(a) *Place and time.* The grant agreement shall be completed by the county government, the lead agency or the appropriate emergency food provider and returned to the Department of Agriculture, Bureau of Food Assistance, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408 by June 1 immediately preceding the start of the fiscal year, or 30 days prior to the commencement of the grant agreement if the grant agreement is to commence on a date other than the start of the fiscal year.

* * * * *

[Pa.B. Doc. No. 22-660. Filed for public inspection May 6, 2022, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 231]

Minimum Wage

The Department of Labor and Industry (Department) amends Chapter 231 (relating to regulations for minimum wage). The amendments are submitted in accordance with the Minimum Wage Act of 1968 (act) (43 P.S. §§ 333.101—333.115), for the purpose of carrying out the act and to safeguard the minimum wage rates established thereby.

Statutory Authority

This final-form rulemaking is issued under the authority provided in section 4(c) of the act (43 P.S. § 333.104(c)), which requires the Secretary to promulgate regulations for overtime, and section 9 of the act (43 P.S. § 333.109) which provides:

“The secretary shall enforce this act. The secretary shall make and, from time to time, revise regulations, with the assistance of the board, when requested by the secretary, which shall be deemed appropriate to carry out the purposes of this act and to safeguard the minimum wage rates thereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative, or professional employees and outside salespersons, learners and apprentices, their number, proportion, length of learning period, and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employee relationship.”

Purpose

This final-form rulemaking amends the Department's existing minimum wage regulations in §§ 231.1, 231.34 and 231.43 (relating to definitions; tipped employees; and regular rate). This final-form rulemaking also adds §§ 231.101a and 231.111—231.114 (relating to minimum wage increase and training wage; and tipped employees).

This final-form rulemaking provides a long overdue update of the Department's regulations concerning tipped employees, including raising the salary threshold for tipped employees, adopting a rule regarding when employers can take a tip credit for employees who perform non-tipped producing work, adopting a rule regarding tip pools, adopting a rule prohibiting employers from deducting credit card and other processing fees from tips and adopting a rule requiring employers who charge a service fee for banquets, special function or other package deal to notify patrons that these service fees are not tips.

This final-form rulemaking is consistent with the stated purpose of the act: to protect employees from unreasonably low wages not fairly commensurate with the value of the services rendered. See 43 P.S. § 333.101. This final-form rulemaking protects tipped employees in several ways. First, this final-form rulemaking raises the tip threshold to account for 44 years of growth and inflation since this rule was implemented. Second, this final-form rulemaking protects tipped workers by limiting the amount of time they can spend performing duties that do

not generate tips or that directly support duties that generate tips. Third, this final-form rulemaking protects tipped workers by limiting tip pools to either employees who perform tipped work or by requiring employers to pay the higher minimum wage if tip pools include non-managerial workers who do not perform tipped duties. Fourth, this final-form rulemaking prohibits employers from deducting credit card and other processing fees from tips. Finally, this final-form rulemaking protects tipped workers by ensuring that patrons do not assume that paying a service charge includes a tip.

As discussed in the Regulatory Analysis Form (RAF) this final-form rulemaking enacts bright line rules for employers in this Commonwealth who over the last 2 years have been subject to constantly changing rules regarding tipped employees from the United States Department of Labor (USDOL). In addition, the tipped regulations completely align with USDOL regulations regarding tip pools and mostly align with USDOL regulations regarding when an employer can take a tip credit for employees who perform non-tipped work.

In addition to the new protections for tipped employees, this final-form rulemaking establishes a regular rate for non-exempt salaried employees. By requiring employers to divide salaried earnings by 40 hours, the Department ensures a higher hourly rate for salaried employees who work overtime and protects them from unreasonably low wages.

Ensuring that workers are fairly compensated and paid a living wage will have an overall positive economic impact for this Commonwealth. In addition, the increased competitiveness of employers in this Commonwealth to attract skilled labor and the increased spending by affected workers will benefit the Commonwealth.

This final-form rulemaking is in the public interest, is within the Department's statutory authority and is consistent with the legislative intent expressed in the act. This clear, feasible and reasonable regulatory scheme considers the concerns of the various stakeholders and will have a positive economic impact on the Commonwealth without overly onerous requirements on businesses.

Background

1. Tipped employees

Section 4(a.1) of the act provides that every employer shall pay to each of his or her employees a minimum wage of \$7.25 per hour. However, there is a special provision for tipped employees. Section 3 of the act (43 P.S. § 333.103) defines “wage” in the context of tipped employees as follows:

In determining the hourly wage an employer is required to pay a tipped employe, the amount paid such employe by his or her employer shall be an amount equal to: (i) the cash wage paid the employe which for the purposes of the determination shall be not less than the cash wage required to be paid the employe on the date immediately prior to the effective date of this subparagraph; and (ii) an additional amount on account of the tips received by the employe which is equal to the difference between the wage specified in subparagraph (i) and the wage in effect under section 42 of this act.

Section 3 of the act was a statutory amendment effective December 21, 1998 (P.L. 1290, No. 168). The day before the effective date of the amendment to the law, the tipped minimum wage was \$2.83 per hour. This figure was calculated because at the time of the amendment, the

act's language concerning tipped employees read as such, "In determining the hourly wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of forty-five percent of the applicable minimum wage rate." The minimum wage at that time was \$5.15 per hour. 43 P.S. § 333.104(a)(6). Thus, an employer can only increase the tipped wage by up to 45% of \$5.15 per hour which is \$2.32 per hour. If \$2.32 is subtracted from \$5.15, the amount of \$2.83 remains which was the lowest base rate to pay an employee. The tipped wage of \$2.83 is the minimum base hourly wage that employers must pay tipped employees. Employers may take a tip credit for the difference between the base hourly wage for tipped employees as long as the tips and base wage equal \$7.25 per hour. In addition, section 3 of the act provides that tips are the property of the employee, and that tip pooling is allowed amongst all employees that customarily and regularly receive tips.

The existing regulation in § 231.1 defines a tipped employee as "an employee engaged in an operation in which the employee customarily and regularly receives more than \$30 a month in tips." However, there is no regulation addressing the performance of non-tipped duties by tipped workers, the deduction of credit card service or other processing fees from tips, the institution of service charges and tip pooling.

In addition to the act, the Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C.A. §§ 201—219) also addresses tipped employees. The FLSA defines a tipped employee as an employee engaged in an occupation in which that employee customarily and regularly receives tips. 29 U.S.C.A. § 203. This provision has been in the FLSA since November 1, 1977.

Currently, the Department does not have any regulations addressing whether an employer can pay an employee a tipped wage and have the employee perform any duties that do not directly generate tips.

Until recently, the USDOL also did not have a regulation addressing this issue. However, USDOL has long enforced the "80/20 rule" which was outlined in a USDOL subregulatory policy. WHD Field Operations Handbook (FOH) 30d00(e), Revision 563 (Dec. 9, 1988). The 80/20 rule permits employers to take the tip credit for an employee as long as that employee does not spend more than 20% of the employee's workweek performing duties that do not directly generate tips.

On December 30, 2020, USDOL published a final rule revising its regulations concerning tipped employees. 85 FR 86756, 86771 (December 30, 2020). In its final rule, USDOL announced that it was allowing employers to institute tip pools with employees who do not customarily and regularly receive tips if the employer does not take a tip credit. However, these tip pools may not include managers or supervisors. In addition, these regulations would allow employers to take a tip credit for any time spent performing duties that are related to those that customarily and regularly produce tips and which are done contemporaneously with tipped duties or for a reasonable time immediately before or after tipped duties. This final-form rulemaking would have ended the 80/20 rule. USDOL's tipped employee rule was to be effective on March 1, 2021.

On January 21, 2021, the Commonwealth, along with the Commonwealth of Massachusetts, the States of Delaware, Illinois, Maryland, Michigan, New Jersey and New

York along with the District of Columbia filed a lawsuit against USDOL charging that USDOL's tip rule was contrary to USDOL's statutory jurisdiction, authority, and limitations in violation of the Federal Administrative Procedures Act (APA) (5 U.S.C.A. § 706(2)(C)), and was arbitrary, capricious, an abuse of discretion and otherwise not in accordance with law under the APA (5 U.S.C.A. § 706(2)(A)). This lawsuit is stayed because on February 26, 2021, USDOL decided to reconsider the implementation of this regulation. On March 25, 2021, USDOL postponed the effective date for parts of the final regulation until December 31, 2021. 86 FR 15811 (March 25, 2021). However, on April 29, 2021, USDOL allowed the part of the regulation regarding tip pooling to go into effect. USDOL's regulation allows employees who traditionally perform tipped work to participate in tip pools with employees who do not typically perform tipped work. 86 FR 22597 (April 29, 2021). On September 24, 2021, USDOL clarified that managers and supervisors may keep tips provided directly to them but could not receive tips from tip pools. 86 FR 52973 (September 24, 2021).

On October 29, 2021, USDOL published a proposed regulation which would codify the 80/20 rule for the first time. 86 FR 60114 (October 29, 2021). Specifically, the proposed regulation would allow an employer to take a tip credit when an employee performs work that directly generates tips or performs work that directly supports tip-producing work, provided that the directly supporting work "does not (1) exceed, in aggregate, 20 percent of the employee's hours worked during the work week or (2) is performed for a continuous period of time exceeding 30 minutes."

Neither the Department nor USDOL have issued regulations regarding service charges or the deduction of credit card processing fees from employee tips.

2. Overtime for salaried employees

The act requires that "Employes shall be paid for overtime not less than one and one-half times the employee's regular rate as prescribed in regulations promulgated by the secretary." 43 P.S. § 333.104(c). The Department has a regulation defining the term "regular rate." See § 231.43. However, this regulation does not address the calculation of the base rate for salaried employees who are entitled to overtime.

USDOL allows for a fluctuating workweek to determine the regular rate for salaried employees. See 29 CFR 778.114 (relating to fluctuating workweek method of computing overtime). Under the fluctuating workweek, an employer pays an employee a flat weekly salary regardless of the regular hours worked in a week, which may vary from week to week. For all hours worked in excess of 40 in a week under the fluctuating workweek, the worker is entitled to overtime at 0.5 their regular rate. Federal law allows for the "regular rate" to be calculated based on either a 40-hour workweek or the total hours worked, including overtime hours. Typically, the "regular rate" in a fluctuating workweek agreement is calculated based on total hours worked, which benefits the employer and disadvantages the employee since it results in a lower "regular rate."

The Pennsylvania Supreme Court has addressed the issue of the overtime for salaried employees and decided that the act requires that a 1.5 multiplier to be applied to determine an employee's overtime rate when the employee works a fluctuating workweek. *Chevalier v. General Nutrition Ctrs., Inc.*, 220 A.3d 1038 (Pa. 2019).

At issue in *Chevalier* was the provision of the act that "[e]mploye[e]s shall be paid for overtime not less than one

and one-half times the employe[e]’s regular rate as prescribed in regulations promulgated by the secretary.” 43 P.S. § 333.104(c). The Department’s regulations provide that “each employee shall be paid for overtime not less than 1 1/2 times the employee’s regular rate of pay for all hours in excess of 40 hours in a workweek.” See § 231.41 (relating to rate). However, this regulation does not further prescribe how to define the base rate to be used to calculate overtime for salaried employees who work a fluctuating workweek.

In *Chevalier*, plaintiffs were salaried store managers paid a set weekly salary plus commissions regardless of the hours worked. Thus, their weekly wages compensate them for the hours they work whether they work 30 hours or 60 hours.

The Pennsylvania Supreme Court noted that for employees paid based on an hourly rate, the overtime formula is simple: $1.5 \times \text{hourly rate} \times \text{number of hours over 40}$. But this generic overtime formula is ambiguous with respect to employees with different compensation structures that may include salaries, commissions, payment based on the work completed or a combination of these compensation structures. The Pennsylvania Supreme Court, however, did not address the calculation of the “regular rate” for such employees, noting that the “parties now agree with the Superior Court majority that the regular rate should be calculated by using the actual hours worked.” Thus, the Superior Court’s holding on this point that the “regular rate” was calculated by taking total compensation and dividing it by actual hours worked was not disturbed by the Pennsylvania Supreme Court.

After the proposed rulemaking, the Department received comments including from members of the General Assembly, groups representing workers, groups representing business, legal organization and the general public. The Independent Regulatory Review Commission (IRRC) also submitted significant comments on the Department’s proposed rulemaking. A summary of the Department’s response to IRRC’s comments follow.

Summary of Comments and Responses to the Proposed Rulemaking

The proposed rulemaking was published at 51 Pa.B. 7239 (November 20, 2021). Public comments were accepted through December 20, 2021. The Department received 273 comments during the public comment period, including 3 legislative comments. In addition, the Department received a comment from IRRC. A summary of IRRC’s comments, legislative comments and the Department’s responses are set forth as follows. The remaining comments are addressed in the comment and response document attached to this final-form rulemaking.

IRRC Comments

1. Consistency with General Assembly’s intent

IRRC and the Chair of the House Labor and Industry questioned whether the Department’s proposed rulemaking was consistent with the intent of the General Assembly in two aspects. First, IRRC noted that the Department enacted rules which were inconsistent with regulations promulgated by the Federal government. IRRC noted that the Department’s proposed rulemaking pledged to alleviate confusion caused by changing Federal rulemaking regarding tipped employees. IRRC questioned whether the Department would increase this confusion by enacting regulations that differ from the Federal government. Based on this and other commentators who raised this issue, the Department has made some changes to its

proposed rulemaking to align with the Federal rulemaking. In areas where the Department has declined to make changes, the Department adds further explanation in this preamble to show why these provisions are in the public’s best interest even though they differ from the Federal standards.

Tip pooling has changed from proposed rulemaking to final-form rulemaking. First, the Department modified its proposed regulation to incorporate by reference 29 CFR 531.54 (relating to tip pooling), which is USDOL’s regulation regarding tip pooling. The Department’s regulation now only limits tip pooling to non-tipped employees in situations where the employer takes a tip credit. In addition, the Department’s tip pooling regulation, like USDOL’s regulation, prohibits managers and supervisors from participating in tip pools regardless of whether the employer takes a tip credit. As such, the business community will easily be able to navigate the Federal and state regulations regarding tip pooling in this Commonwealth.

Tip credits for non-tipped work have changed from proposed rulemaking to final-form rulemaking. The Department’s final-form rulemaking also amends the proposed rule regarding the taking of a tip credit when a tipped employee performs non-tipped work. The Department incorporated by reference 29 CFR 531.56 (relating to “more than \$30 a month in tips”), which is the Federal regulation regarding the 80/20 rule, with one exception; the Department chose not to incorporate subsection (f)(4)(ii), which is the portion of the Federal government’s 80/20 rule which prohibits employers from taking a tip credit if an employee performs non-tipped producing work for 30 continuous minutes. However, the Department does not believe this will cause confusion. Unlike the 80/20 rule as a whole, the requirement to limit non-tip producing work to 30 continuous minutes is a new concept and employers in this Commonwealth are likely not familiar with it. Further, the 30-minute threshold included in the USDOL rule is a more stringent standard than the 80/20 rule the Department has included in this final-form rulemaking; therefore, if employers are following the Federal standard, they will also be following the Department’s regulations. Moreover, the Department plans to eliminate confusion with an outreach program.

In addition to incorporating the 80/20 rule, the Department’s final-form rulemaking adopts Federal language to create a definition for “customarily and regularly,” which will clarify the Department’s final-form rulemaking. See 29 CFR 531.57 (receiving the minimum amount “customarily and regularly”). The Department is confident that these changes will remove any possibility of confusion for the regulated community while simultaneously fulfilling the act’s intent of protecting tipped employees from unreasonably low wages.

Credit card fees, processing fees and service charges have changed from proposed rulemaking to final-form rulemaking. The Department updates the sections related to credit card and other processing fees, and service charges. For credit card and other processing fees, the Department addresses areas not addressed by Federal regulation. As such, the Department does not believe these sections will generate any confusion. Federal regulation also does not address the issue of service charges so the Department does not believe its regulation will cause any confusion.

The Department also clarifies its regulations regarding service charges by stating that if employers choose to remit service charges to employees, it can use the charges to satisfy its obligations to pay the minimum wage or

overtime, but service charges cannot constitute a tip. This is consistent with USDOL guidance found in Chapter 30 of the *Field Operations Guide* at <https://www.dol.gov/agencies/whd/field-operations-handbook/Chapter-30#B30d03>.

The Department also adds a definition for “service charge” indicating that a service charge is a mandatory fee for services rendered. This distinguishes a service charge from a gratuity which the act defines as a voluntary contribution for services rendered. 43 P.S. § 333.103.

The tipped employee threshold has remained the same from proposed rulemaking to final-form rulemaking. The Department has retained different standards than the USDOL with regards to the tipped employee threshold and the regular rate. The Department’s increase in the tip threshold merely accounts for inflation between 1977 and 2021. USDOL cannot raise its tipped employee threshold because, unlike the act, the FLSA sets the Federal tipped employee threshold at \$30 per month. See 29 U.S.C.A. § 203. However, there were very few commentators who raised a concern regarding the raising of the employee threshold. As such, the Department does not believe it will cause compliance issues to have a different tipped employee threshold than found in Federal law.

The standard for determining the rate for salaried employees has changed from proposed rulemaking to final-form rulemaking. The Department revises § 231.43(g) to address the concerns shared during the public comment period. The Department does have a different standard regarding the regular rate for salaried employees. However, since 2019 employers in this Commonwealth have already had a different standard to determine the regular rate for salaried employees due to the Pennsylvania Supreme Court’s decision in *Chevalier* which held that, unlike USDOL regulations, salaried employees who work overtime are entitled to a 1.5 multiplier on their overtime earnings rather than a 0.5 multiplier. This final-form rulemaking merely fulfills the act’s intent of providing extra protection to salaried workers by calculating the regular rate by dividing it by 40 instead of the hours worked. The Department is confident that it can educate employers, who are already accustomed to a different standard, about how to calculate the hourly rate for salaried employees eligible for overtime. It is important to note that the Department has chosen to make the effective date of this final-form rulemaking 90 days from publication in the *Pennsylvania Bulletin*, which will provide the Department with the necessary time to prepare employers.

IRRC noted that the proposed rulemaking enacted higher standards than found in Federal law and wondered whether only the General Assembly should make a choice to enact a higher standard. The Department’s final-form rulemaking regarding tipped employees is not higher than the Federal standards with the exception of the tipped employee threshold, credit card and other processing fees and service charges. The act contains very few provisions regarding tipped employees other than setting the tip employee rate, providing that tips are the property of the employee and defining gratuities. See 43 P.S. § 333.103. Rather, the General Assembly specifically granted the Department to, “make and, from time to time, revise regulations, . . . Such regulations may include, but are not limited to. . . allowances for gratuities.” See 43 P.S. § 333.109. Moreover, the act specifically states, “the secretary shall promulgate regulations with

respect to overtime subject to the limitations that no pay for overtime in addition to the regular rate shall be required except for hours in excess of forty hours in a workweek.” See 43 P.S. § 333.104(c). The Department has not updated its regulations regarding tipped employees since 1979 and for the regular rate since 1977. As such, it is long past time for the Department to follow the duty the act imposes and update regulations regarding tipped employees and the regular rate without waiting for the General Assembly.

2. Implementation of proposed change to § 231.1

IRRC commented that although most commentators agreed with the raising of the Department’s tip threshold to \$135 per month, they expressed concern about confusion between this threshold and the Federal tip threshold of \$30 per month. IRRC asked the Department to explain its plan of informing the regulated community of this difference and other differences between State and Federal regulations governing tipped employees and the regular rate.

The Department will conduct outreach and educational sessions after publication of this final-form rulemaking in the *Pennsylvania Bulletin* and before its effective date. During these outreach and educational sessions, the Department will solicit comments on this final-form rulemaking and keep track of common themes or issues. The Department will also develop and provide wide circulation to written materials available in print and digital formats to assist employers comply with the requirements of this regulation. Finally, the Department is extending the period between publication in the *Pennsylvania Bulletin* and the effective date of this regulation from 60 days to 90 days to ensure that the regulated community has ample opportunity for education and assistance with compliance planning.

3. Concerns with the proposed change to § 231.43

IRRC expressed various concerns with the Department’s proposed change to this section with the first being the Department’s proposed change to subsection (a). In its proposed rulemaking, the Department amended language excluding pay at Christmas time from the regular rate to excluding pay for any holiday from the regular rate. However, as IRRC appropriately noted, the preamble and RAF for the proposed rulemaking stated holiday pay would be included in the regular rate. The Department regrets the grammatical errors in the proposed rulemaking packet and emphasizes that payments in the nature of gifts, the amounts of which are not measured by or dependent on hours worked, production or efficiency, during any holiday are excluded from the regular rate.

IRRC also expressed concerns with the Department’s proposed addition of subsection (g) which would require that the regular rate for salaried employees by taking all remuneration outlined in subsection (a) divided by 40 hours. IRRC’s first comment concerned subsection (b) which governs overtime for workers who are paid a flat sum for a day’s work. The regular rate for these day workers is determined by adding all compensation in a workweek and then dividing it by total hours actually worked. The regular rate would then be multiplied by 0.5 for all hours worked over 40 hours to determine overtime pay. IRRC noted the discrepancy between these two sections and suggested that the Department consider amending subsection (b).

The Department thanks IRRC for bringing this issue to its attention. The Department notes that subsection (b) is an outlier from the other subsections in § 231.43 in that

it is the only subsection to use a 0.5 multiplier than a 1.5 multiplier on overtime hours.

After careful consideration, the Department has decided to make no changes to subsection (b) at this time for two reasons. First, the Department cannot be certain that its outreach for the proposed rulemaking adequately targeted groups that either employ or advocate for day workers. Second, in the last 5 years, the Department is not aware of any complaints from day workers that their employers have violated the act. As such, the Department cannot say for certain if there is a sound reason to calculate the regular rate for day workers by dividing compensation by hours worked. There could be a logical reason for calculating the regular rate for day workers differently since unlike with salaried employees, day workers' earnings will fluctuate from week to week and, unlike with salaried employees, day workers may have multiple employers throughout a week. Therefore, unlike with salaried employees, the Department had not identified a need to address this issue and so has not yet obtained the necessary stakeholder input and determined the ultimate impact of such a change. The Pennsylvania Supreme Court noted in *Chevalier* that it was permissible to have different rules for day workers and salaried employees. *Chevalier*, 220 A.3d. at 1058. However, the Department will consider updating subsection (b) in a future rulemaking should the Department determine it is necessary to protect the rights of day workers or is otherwise in the public interest.

IRRC also commented that for employees who are paid less frequently than weekly it would require employers to calculate overtime on a weekly basis. While it is understood that some employers may pay their salaried employees less frequently, the Department notes that this is not a change and is consistent with already-existing regulations. Section 231.42 (relating to workweek) currently provides, "The term workweek shall mean a period of 7 consecutive days starting on any day selected by the employer. Overtime shall be compensated on a workweek basis regardless of whether the employee is compensated on an hourly wage, monthly salary, piece rate or other basis." This final-form rulemaking provides that the regular rate for salaried employees is taken by adding up compensation in a workweek and dividing it by 40. It makes no change to how employers are to calculate incentive compensation which according to the current regulation is to be counted during the workweek it is received. To remain as consistent as possible with the regulatory scheme already set forth in Chapter 231, the Department declines to make this change.

IRRC also noted that commentators stated the Department's proposed subsection (g) "complicates other compensation questions," including calculation of overtime on commissions and bonuses for hourly employees. IRRC asked the Department to clarify how its rulemaking clarifies the regular rate in "all cases," and asked the Department to explain how this subsection achieves that purpose and how overtime is calculated for all remuneration for hourly employees.

The Department concedes that this new subject only clarifies the regular rate for salaried employees eligible for overtime. In this final-form rulemaking, the Department amends the language in subsection (g) to clarify that the regular rate includes all compensation with the exceptions outlined in (a)(1)—(7). The Department hopes that this amendment will eliminate any confusion to clarify that certain types of income, such as bonuses and other compensation, are treated no differently for

overtime-eligible salaried employees than for hourly employees when determining overtime.

IRRC noted that commentators have suggested that § 231.43(g) be amended to mirror Federal regulations or to adopt the Federal regulations by reference. This suggestion has also been made for §§ 231.111 and 231.112 (relating to tip credit for non-tipped duties; and tip pooling). A cornerstone of the Regulatory Review Act (71 P.S. §§ 745.1—745.14) is to "encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency." The Department declines to incorporate USDOL regulations regarding the regular rate for salaried employees who are eligible for overtime. See 29 CFR 778.114. Federal regulations permit employers to calculate the regular rate for salaried employees by dividing compensation by hours worked, a practice more commonly known as the "fluctuating workweek." The Department declines to this regulation because it would result in a lower base rate for salaried employees. The notion that an employee could work more and earn less—in other words, work longer hours and earn a lower regular rate—is contrary to the purpose of the act and the obligation of the Department to protect workers.

The Department notes that IRRC did caution the Department against directly incorporating Federal rules by reference due to a concern that Federal rules will change and that the Department rules would change with them without going through the regulatory review process. However, the Department addressed this concern by only incorporating Federal regulations as they exist on the date of publication in the *Pennsylvania Bulletin*. Thus, if Federal regulations regarding the 80/20 rule or tip pooling change, it would require the Department to engage in a subsequent rulemaking if it wished to amend its regulations on these subjects.

The Department acknowledges and appreciates IRRC's comment that emphasized that the intention of this regulatory process is to achieve consensus through compromise. The Department has endeavored to find the common ground through the public comment and consultation process; the changes to this final-form rulemaking, as compared to the proposed rulemaking, stand as evidence of this. The Department also notes, however, that with certain issues pertinent to the public interest, perfect consensus between parties with opposing perspectives and interests is not necessarily possible. This is especially true in issues where a significant power dynamic exists, like the one between employers and employees, or when an issue has proven intractable for over a decade to the General Assembly, like the minimum wage in this Commonwealth. While consensus is desirable where it is possible, the Department also contends that on certain issues it must take a position that may not be preferable to all parties but is in the public interest. The Department did so in the fluctuating workweek section of this regulation. It did so because the notion that an employee could work more and earn less—in other words, work longer hours and earn a lower regular rate—is contrary to the purpose of the act and the obligation of the Department to protect workers.

4. Implementation of § 231.101

IRRC noted that the Department's proposed rulemaking included an amendment to § 231.101, a statement of policy. IRRC suggested that the Department delete this statement of policy if it wishes to make the statement binding on the regulated community.

The Department thanks IRRC for this recommendation and, in response, the Department will delete the statement of policy when it publishes this final-form rulemaking in the *Pennsylvania Bulletin*. The Department also adopts § 231.101a (relating to minimum wage increase), which contains the language that the Department proposed to the statement of policy found in § 231.101.

Specifically, this new regulation clarifies that the minimum wage in this Commonwealth is \$7.25 per hour. Section 4(a.1) of the act states that the minimum wage in this Commonwealth is equal to the minimum wage set by the FLSA if that minimum wage is higher than the rate set forth in section 4(a)(8) of the act. Since the current Federal minimum wage is \$7.25 the Department enacts this subsection to provide clarity to the regulated community.

The new regulation also clarifies the tipped minimum wage is \$2.83 per hour. Although the act sets the base minimum wage for tipped employees, it does so in language that is confusing to the general public. The Department's final-form rulemaking provides clarity on this issue. It further clarifies that employers must make up the difference if tips plus the base rate do not equal the minimum wage and the employers may only take a tip credit if tips for an employee equal \$135 per month.

When the Department proposed amending § 231.101, it received no comments on this section other than IRRC's comments.

5. Closer alignment with the Federal 80/20 rule

IRRC noted that many commentators pointed out that the Department's proposed rule regarding the taking of a tip credit for non-tipped work differed from USDOL's recent final rule on the same subject. The commentators correctly noted that the Department's proposed rule lacked definitions and examples included in the Federal 80/20 rule that are central to its implementation, including "work that is part of the tipped occupation," "tip producing work," "directly supporting work," "substantial amount of time" and "work that is not part of the tipped occupation." IRRC agreed that the regulation would be improved if the Department more closely aligned it with USDOL's rule.

In response, the Department incorporates USDOL's final rule at 29 CFR 531.56 into this final-form rulemaking including the definitions and examples suggested by the commentators. The Department determines that this action will provide clear guidance for employers to determine when they can take a tip credit while at the same time protecting employees from receiving a tipped wage when they do not primarily perform tipped work.

The Department declines to adopt one aspect of USDOL's final rule regarding the 80/20 rule; namely subsection (f)(4)(ii), which contains the requirement that an employer cannot take a tip credit if employees work more than 30 consecutive minutes performing non-tip producing work. The Department declines to adopt this, as described previously, more fully in response to IRRC's Comment 1, because it determined that this provision is too new, too difficult for employers to track and too difficult for the Department to enforce.

However, most businesses in this Commonwealth will still be required to follow USDOL's rule and cannot take a tip credit for non-tipped work of over 30 consecutive minutes. When, the FLSA and the act contradict, employers are required to follow the provisions the most protective to employees.

6. Closer alignment with the Federal tip pooling regulations

IRRC noted that many commentators expressed concern that the Department's tip pooling regulations did not fully align with USDOL's regulations regarding tip pooling. The commentators expressed concern that this would cause confusion and most specifically noted that the Federal regulation provides for tip pooling among all workers when the employer does not take the tip credit, thereby paying tipped employees at least the full minimum wage.

IRRC asked the Department to explain why the Department's proposed rulemaking was needed in light of the Federal regulation. IRRC also asked the Department to explain why it did not include the option for employers to establish a tip pooling system for all employees when the tip credit is not utilized by employers.

After careful consideration, the Department incorporates 29 CFR 531.54 including allowing tip pooling for all non-management or supervisory employees when the employer decides not to take a tip credit.

The Department did choose to retain the requirement that employers notify employees of the tip pooling regulation as this is a matter of basic fairness. Employees deserve to be fully aware of any tip pooling arrangement when they decide to accept employment or before their employer implements a tip pool.

While the Department's proposed tip pooling regulation did not differ from USDOL's regulation, the Department has adopted language from the Federal regulation to avoid any uncertainty and to provide clarity to employers and employees.

7. Implementation and clarity for credit card fees

IRRC also expressed concern that the Department's proposed rulemaking did not address the deduction of credit fees for employers who institute tip pooling. In response, the Department amends this final-form rulemaking to also provide that employers cannot deduct credit card or other processing fees in the event that the tip is part of a tip pool.

IRRC also questioned the need for this regulation considering the act provides that tips are the property of the employee. In response, the Department retains § 231.113 (relating to credit card and other processing fees) for the following reasons. First, USDOL does permit the deduction of credit card or other processing fees under its interpretation of the FLSA. Because of the discrepancy between the Federal regulation and State law, the Department was concerned that there could be confusion over this issue. The comments to the Department's proposed rulemaking validated the Department's concerns as both employers and employees reported this practice. As such, the Department keeps this section in this final-form rulemaking.

Finally, IRRC requested the Department address the House Labor and Industry Committee's comment that this regulation include other types of processing fees. In response, the Department adds other non-cash forms of payment to this section to disallow any type of processing fee to be deducted from a tip prior to its distribution to the employee or tip pool.

8. Statutory authority to regulate service charges

In the proposed rulemaking, the Department required employers who charge services fees for the administration of banquets, special functions or package deals to provide

notice to patrons of the service charge. IRRC questioned the Department's statutory authority to promulgate this regulation due to the Office of Attorney General's authority under the Unfair Trade Practices and Consumer Protection Law (UTCPL) (73 P.S. §§ 201-1—201-10) and asked the Department to make any necessary amendments. However, after further review, the Department determines that the act grants the Department authority to regulate service fees in this manner to protect tipped employees.

The act permits the Department to issue regulations regarding "allowances for gratuities." 43 P.S. § 333.109. This includes this final-form rulemaking which has the purpose of ensuring that patrons do not wrongfully assume that a service charge includes a gratuity.

Moreover, the UTCPL does not prohibit the Department from promulgating this final-form rulemaking. The Department met with staff in the Office of Attorney General's (OAG) Consumer Protection Bureau, and they opined that the UTCPL allows for dual authority as the purpose behind the UTCPL and act are different. The UTCPL protects consumers from deceptive practices and the act protects workers from unreasonably low wages. Numerous cases have held that conduct which is governed by other statutes is also within the purview of the UTCPL unless it is expressly excluded. See, for example, *Commonwealth v. National Apartment Leasing Co.*, 529 A.2d 1157 (Pa. Cmwlth. 1987); *Pekular v. Eich*, 513 A.2d 427 (Pa. Super. 1986); *Pennsylvania Bankers Association v. Commonwealth*, 427 A.2d 730 (Pa. Cmwlth. 1981); *Safeguard Investment Corp. v. Commonwealth*, 404 A.2d 720 (Pa. Cmwlth. 1979). The purpose of this final-form rulemaking is not to protect consumers but rather is to protect workers by ensuring the patrons who intend to leave tips realize they are not leaving a tip simply by paying a service charge. As such, the UTCPL does not abrogate the Department's statutory authority under the act, which permits the Department to enact regulations to protect tipped employees.

The Department did, however, clarify that if an employer remits any portion of a service charge that would not make the service charge a tip since service charges are mandatory and tips are voluntary. However, the amount remitted would qualify as remuneration under § 231.43 and could satisfy the employer's obligation to pay the minimum wage or overtime.

9. Economic impacts

IRRC noted that according to the Department, employers who take the tip credit and opt to pay the State minimum wage or are required to do so under the increased tip threshold, will incur an added cost of labor. The shift of credit card fees and the regular rate for salaried employees may also result in a fiscal impact to employers. However, the Department's fiscal impact statement did not estimate these costs. As such, IRRC asked the Department to provide an estimate of costs for implementing this regulation by updating its responses to the RAF and the fiscal impact section of the preamble.

The Department acknowledges that employers may bear certain ongoing costs related to compliance with this regulation. Because of limited data on business decision making and the inability to model human behavior as it pertains to employment decisions, the Department cannot anticipate which of the varied operational options available to employers to comply with this regulation they will select and thus cannot estimate the ongoing costs of compliance. For example, to adjust to costs related to the

definition of regular rate, employers could choose to hire more employees to offset the need for overtime, restrict the use of overtime by current employees by making scheduling adjustments, or change the method of compensation for employees to reallocate labor costs, among other options. The Department does expect that most businesses will select the option that limits new costs.

However, despite limited fiscal information, this final-form rulemaking is in the public interest because it benefits workers. The Department estimates that this final-form rulemaking will benefit up to 434,712 workers in this Commonwealth. These affected workers include the approximately 199,285 tipped workers, as defined by the act's current regulations; the approximately 47,250 food service managers and supervisors who will gain a bright line test as to when they may keep tips received from a customer for services they directly and solely provide; the approximately 160,750 workers who do not customarily and regularly receive tips but may be included in a non-traditional tip pool; and the approximately 27,427 Pennsylvanians who are paid overtime using the fluctuating workweek method.

The benefit to workers is critical because the act recognizes that, "the evils of unreasonable and unfair wages as they affect some employees employed in the Commonwealth of Pennsylvania are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the employees employed therein and of the public interest of the community at large." 43 P.S. § 333.101. That is what this final-form rulemaking does, protect tipped workers and overtime-eligible salaried employees from the evils of unreasonable and unfair work. As such, this final-form rulemaking is in the public interest.

Additional Legislative Comments

The Department received three legislative comments. The first is a comment from the Democratic Chair of the House Labor and Industry Committee, the Honorable Gerald J. Mullery. The second is a comment from the Democratic Chair of the Senate Labor and Industry Committee, the Honorable Christine Tartaglione and cosigned by the Honorable Jay Costa, the Honorable Nikil Saval, the Honorable Sharif Street, the Honorable Art Haywood, the Honorable John Sabatina, the Honorable Vincent Hughes, the Honorable Anthony Williams, the Honorable John Kane, the Honorable Steven Santarsiero, the Honorable Judy Schwank, the Honorable Maria Collett, the Honorable Amanda Cappelletti, the Honorable Lisa Boscola, the Honorable Carolyn Comitta, the Honorable Marty Flynn, the Honorable Timothy Kearney, the Honorable Lindsey Williams, the Honorable Wayne Fontana, the Honorable Katie Muth and the Honorable James Brewster (collectively referred to as the Honorable Senator Tartaglione). The last is a comment by the Chair of the House Labor and Industry Committee, the Honorable Jim Cox and cosigned by the Honorable David Maloney, the Honorable Torren Ecker, the Honorable Eric Nelson, the Honorable James Gregory, the Honorable Mike Puskaric, the Honorable Mike Jones, the Honorable Dawn Keefer and the Honorable Kate Klunk (collectively referred to as the Honorable Chairperson Cox). In addition to the comments that were referenced or adopted by IRRC, the Department addresses the other unique comments from these State lawmakers as follows.

The Honorable Chairperson Cox noted that the novel coronavirus (COVID-19) pandemic was difficult for the hospitality industry and that that, considering the severe impact of the COVID-19 pandemic on so many of the

businesses in the hospitality industry, it is not in the public interest to promulgate additional regulations at this time. The Honorable Chairperson Cox opined that the appropriate course of action for the Department would seem to be a delay—until the impact of the COVID-19 pandemic to the hospitality industry has fully stabilized—before additional regulations are proposed.

The Department recognizes that the COVID-19 pandemic presented significant challenges to the hospitality industry which does employ the vast majority of employees who customarily and regularly receive tips. However, hospitality workers were equally negatively affected by the COVID-19 pandemic. The purpose of the act is to protect workers from unreasonably low wages. This final-form rulemaking accomplishes this mandate by: 1) increasing the tip threshold more than four times the current amount ensuring that only employees who are truly tipped employees receive the lower tipped wage; 2) limiting the amount of non-tipped work a tipped employee can perform; 3) limiting the type of employees who may participate in tip pooling; 4) prohibiting the deduction of processing fees from employee tips; and 5) ensuring that patrons do not assume that service charges include tips. The Department did not ignore employer concerns, as it made significant changes to incorporate current Federal regulations that employers already are required to follow. However, the COVID-19 pandemic does not nullify the act's mandate to protect workers. That is what the Department's final-form rulemaking accomplishes, it protects hospitality workers from unreasonably low wages.

The Honorable Chairperson Cox noted that raising the tip threshold to \$135 per month will create a disparity with the tip threshold set forth in the FLSA. In addition to requesting an extensive public outreach campaign, the Honorable Chairperson Cox requests the Department use a "light touch" when it discovers violations of this portion of the regulation.

In response, the Department determines that failing to include the tipped employee threshold after accounting for inflation will mean that tips could constitute a far larger percentage of employees' earnings than when the Federal regulation was adopted in 1977. Therefore, adopting a higher threshold than the outdated Federal regulation is in the interest of Pennsylvanians.

The Department notes that it is able to resolve the vast majority of complaints under the act without having to bring an enforcement action. The Department will continue to consider whether an employer's violation of the act is willful or negligent and will work with employers who show good faith in trying to rectify violations.

Finally, in addition to the issue of whether the Department has the authority to regulate service charges, the Honorable Chairperson Cox raises the issue of whether service charges which are distributed to employees can be used to satisfy an employer's minimum wage and overtime obligations. The Honorable Chairperson Cox urges the Department to amend its proposed regulation to clarify that point.

After reviewing this comment, the Department did amend its regulation to clarify that service charges, which are mandatory fees for services rendered, are distinguished from tips which are voluntary contributions for services rendered. As such, the Department clarified that service charges which are remitted to employees may be used to satisfy the employer's minimum wage and overtime obligations but could not constitute a tip.

The Honorable Chairperson Cox also provided several supportive comments. The Honorable Chairperson Cox

praised the Department for the reasonable level for its increase to the tipped employee threshold. The Honorable Chairperson Cox also noted that the prohibiting of credit card processing fees did not violate the act and suggested that the Department include a prohibition of other processing fees, a suggestion the Department followed. The Department acknowledges these supportive comments.

In addition to the Honorable Chairperson Cox's comments, the Department received two legislative comments in support of the Department's regulation. The Department acknowledges these supportive comments.

Specifically, the Honorable Representative Mullery noted that the Department's proposed rulemaking was consistent with the act's purpose of protecting workers from the evils of unreasonably low wages. Specifically, the Honorable Representative Mullery urged the Department to: raise the tip employee threshold because it would benefit 200,000 workers; adopt an 80/20 rule due to uncertainty at the Federal level; adopt a tip pooling rule that differs from the Federal rule in prohibiting "back of the house" employees; and calculate the regular rate for salaried employees by dividing remuneration received in a workweek by 40.

The Department notes that it has decided to change its tip pooling regulations and align with Federal regulations to allow employers who do not take a tip credit to include non-supervisory and non-management employees to participate in tip pools. The Department estimates that an additional 160,750 traditionally non-tipped workers may be affected by the tip pooling provision of this final-form rulemaking.

The Honorable Senator Tartaglione also submitted a comment in favor of the regulation noting that "updates are long overdue, as the power of the minimum wage and its many protections have waned due to inflation and non-compliance." Specifically, the Honorable Senator Tartaglione praised the Department for raising the tip threshold amount, codifying the 80/20 rule, limiting tip pooling to tipped employees, prohibiting employers from deducting credit card fees and proposing regulations regarding service charges.

As noted previously, the Department did decide to amend its proposed rulemaking regarding tipped pooling. However, the Department still believes that the Department's proposal will protect workers as non-tipped employees can only participate in tip pools if the employer pays everyone at least the minimum wage and because it continues to prohibit supervisors, managers and owners from participating in tip pools.

§ 231.1. Definitions

This final-form rulemaking amends the definition for "Bureau" to change the definition from "Bureau of Labor Standards" to "Bureau of Labor Law Compliance." This change reflects the current name of the Bureau charged with enforcing this chapter. No commentator objected to this amendment and, as such, the Department has kept this amendment in this final-form rulemaking.

This final-form rulemaking adds a definition for "tip credit" to provide clarity to the Department's regulations. This definition makes it clear that a tip credit is the difference between the statutory minimum wage outlined in section 4 of the act, and the base hourly rate that employers pay to tipped employees. No commentator objected to this addition and, as such, the Department has kept the definition in this final-form rulemaking.

This final-form rulemaking also amends the definition for "tipped employee" to raise the tipped employee thresh-

old from \$30 per month to \$135 per month. The tipped salary threshold was set in 1977. When the \$30 tip threshold was last updated, a tipped employee had to earn over 13 times the minimum wage in tips before an employer could claim a tip credit for that employee. Today, a tipped employee in this Commonwealth must earn just over four times the minimum wage in tips before their employer can claim a tip credit. By updating this threshold, the regulation will ensure that the monetary threshold found in the definition of tipped workers accounts for 44 years of inflation and that tipped employees' wages reflect current market values.

Very few commentators objected to the raising of the tipped threshold, including many commentators who objected to other aspects of the Department's proposed rulemaking. The Honorable Chairperson Cox commended the Department for the reasonable level of its increase to the tip threshold. As such, the Department decides to keep the proposed increase in this final-form rulemaking.

This final-form rulemaking also adds a definition for the phrase "customarily and regularly." This definition clarifies language found in the Department's definition of "tipped employee." This language is consistent with language found in 29 CFR 531.57.

This final-form rulemaking adds a definition for "service charge" which provides that a service charge is a mandatory fee that the employer charges for service rendered which distinguishes service charges from section 3 of the act which provides that gratuities or tips are voluntary contributions for services rendered. 43 P.S. § 333.103.

This final-form rulemaking adds a definition for "USDOL" which stands for "The United States Department of Labor." The Department adds this definition because this final-form rulemaking incorporates USDOL regulations regarding tip pooling and the 80/20 rule.

§ 231.34. *Tipped employees*

This final-form rulemaking amends paragraph 3 to align the language of this regulation with the language currently found in section 3 of the act. The language in the current regulation mirrored the language found in section 3 of the act before it was amended by the act of December 21, 1998 (P.L. 1290, No. 168). Commentators did not object to this proposed amendment and, as such, the Department has kept this amendment in this final-form rulemaking.

The Department adds paragraph (6) which requires employers to keep records of the names and positions of each employee participating in a tip pool and the amount distributed to that person. This paragraph is necessary for the Department to fulfill its duties under section 7 of the act (43 P.S. § 333.107), and ensure that employers are complying with the final-form tip pooling regulations.

While no commentator specifically objected to this proposed amendment, concern was generally expressed over the burden of increased recordkeeping. Nevertheless, the Department will be unable to determine whether an employer has complied with a tip pooling arrangement without proper documentation. As such, the Department determines that its proposed amendment is necessary and has kept this amendment in this final-form rulemaking.

§ 231.43. *Regular rate*

The Department adds "(a)" to indicate the first subsection of the regulation. This subsection currently has no designation. Commentators did not object to this stylistic

change and, as such the Department keeps this amendment in this final-form rulemaking.

The Department amends subsection (a)(1) to replace "at Christmas time" with "during any holiday." As discussed previously in IRRC's comment 3 and response, commentators noted that the Department's preamble mistakenly stated this change was done to "reflect that sums paid for any holiday should count towards the calculation of the regular rate." The Department concedes that the Department's explanation of the proposed language was incorrect.

However, the Department makes this change to clarify that payments made during any holiday is an exception to the general rule that all remuneration should count to the calculation of the regular rate. The Department continues to believe that payments made for all holidays should not count as remuneration to calculate the regular rate. As such, the Department keeps this amendment in this final-form rulemaking.

The Department amends subsection (b) and replaces the words "he" and "his" with the words "the" and "the employee." This makes the language of the regulation gender neutral. Commentators did not object to the Department's amendment and, as such, the Department keeps this amendment in this final-form rulemaking. Moreover, the Department also changes language in subsections (a)(2) and (d) by replacing "his" with gender neutral language.

As discussed previously in response to IRRC's comment 3, this final-form rulemaking adds subsection (g) which provides, "the regular rate for salaried employees is the amount of remuneration determined under subsection (a), divided by 40 hours."

The Department's regulation had been silent on how to calculate the regular rate of pay for employees who are paid a salary. This updated regulation addresses the omission in existing regulations and clarifies that the "regular rate" in all cases for salaried workers should be calculated based on a regular, 40-hour workweek and not the total hours worked including overtime, which may be irregular and inconsistent from week to week. This would be consistent with the act's purpose because it would result in more overtime pay for salaried employees who are not exempt from overtime and, as such, be consistent with the act's remedial purpose of protecting these salaried workers from unreasonably low wages.

Despite objections from commentators, the Department keeps a definition for regular rate for salaried employees in this final-form rulemaking. This regulation is in the public interest because it will assure that employees who are compensated under the fluctuating workweek method are not paid less because they work more hours. This regulation is in accordance with the purpose of the act which is to protect workers from unreasonably low wages.

However, the Department amends the regulation to clarify that the Department intends to count all remuneration paid to salaried employees the same as remuneration given to employees who are paid by the hour, monthly, piece rate or other basis.

§ 231.101a. *Minimum wage increase*

The Department proposed to amend subsection (b) and (b)(1) of § 231.101 to provide clarity that employers may pay a lower hourly wage to tipped employees and must pay the difference if that hourly wage and the employee's tips do not equal the State minimum wage of \$7.25 per hour. In addition, the Department proposed to amend

subsection (b)(2) to reflect the proposed increase of the tipped employee threshold to \$135 per month.

However, IRRC accurately stated that the Department proposed to amend language in a statement of policy and this procedure is improper. As such, the Department is following IRRC's suggestion and adopts the amended language the Department proposed to the statement of policy and creates § 231.101a. The Department will rescind the statement of policy in a separate document.

Subsection (a) clarifies that the minimum wage in this Commonwealth is \$7.25 per hour. Section 4(a.1) of the act, states that the minimum wage in this Commonwealth is equal to the minimum wage set by the FLSA if that minimum wage is higher than the rate set forth in section 4(a)(8) of the act. Since the current Federal minimum wage is \$7.25, which is higher than the minimum wage set forth in section 4(a)(8) of the act, the Department enacts this subsection to provide clarity to the regulated community.

Subsection (b) clarifies the tipped minimum wage is \$2.83 per hour. Although the act sets the base minimum wage for tipped employees, it does so in language that is confusing to the general public. The Department's final-form rulemaking provides clarity on this issue. It further clarifies that employers must make up the difference if tips plus the base rate do not equal the minimum wage and the employers may only take a tip credit if tips for an employee equal \$135 per month.

§ 231.111. Tip credit for non-tipped duties

The Department adds this section to its regulations because, other than record keeping requirements outlined in § 231.34, the Department has no regulations governing tipped employees.

The Department's language in subsection (a) provides that an employer can only take a tip credit if that employee spends at least 80% of that employee's workweek performing duties that directly generate tips and if the other duties that the employee performs support the duties that directly generate tips.

The Department's language in subsection (b), provides that employers have to pay the minimum wage for any time where an employer cannot take a tip credit. The Department clarifies and reinforces that the lower tipped minimum wage is an exception to the requirement that employers pay employees the minimum wage required by section 4 of the act.

Many commentators including IRRC, the Honorable Chairperson Cox, the Chamber of Business and Industry and Littler Mendelson objected to this regulation because there were differences in language between the Department's proposed regulation and Federal regulation regarding the taking of a tip credit for non-tipped work. As such, the Department adopted verbatim language found in 29 CFR 531.56. This change allows the Department to protect employees from unreasonably low wages by prohibiting employers from taking of a tip credit when a tipped employee performs non-tipped work and limiting the amount of time an employer can assign a tipped employee work that directly supports tip-producing work.

The only Federal language the Department chose not to adopt is language in 29 U.S.C.A. § 531.56(f)(4)(ii) prohibiting employers from taking a tip credit if employees perform more than 30 consecutive minutes performing non-tipped work. The Department felt this requirement would be too difficult for either the Department or employers to enforce.

§ 231.112. Tip pooling

The Department adds this section because, while the act permits tip pooling, there are no regulations addressing this subject.

The Department's language in subsection (a) clarifies that tip pooling is reserved for employees who customarily and regularly perform tipped duties.

The Department's language in subsection (b) excludes owners, partners, employees who perform any duties that the FLSA classifies as executive duties and employees who do not spend 80% of their workweek performing duties that customarily and regularly generate tips from participating in tip pools.

The Department's language in subsection (c) requires employers to notify employees of tip pooling arrangements. This notice must be provided at the time of employment or at least one pay period before the tip pooling arrangement takes effect. The Department proposed this to ensure that workers are fully aware of tip pooling arrangements before they are required to participate in them.

Similar to the Department's proposed regulation regarding the 80/20 rule, many commentators including IRRC, the Honorable Representative Cox, the Chamber of Business and Industry and Littler Mendelson objected to this regulation because there were differences in language between the Department's proposed regulation and Federal regulation regarding tip pooling.

After careful consideration, the Department amends its proposed regulation to incorporate language from USDOL's regulation in 29 CFR 531.54. The Department concluded that incorporating language from the Federal regulation will provide a uniform set of rules for employers while at the same time protecting employees who participate in tip pools from unreasonably low wages.

The Department retains the notice requirement as subsection (c) as new subsection (b). The Department retains this language because it is important for employees to be aware of tip pools before they are required to participate in them.

§ 231.113. Credit card fees

The Department adds this section as there are no regulations addressing whether employers are permitted to deduct credit card processing fees from an employee's tips. The Department's regulation prohibits employers from deducting credit card processing and other fees from employee tips. This is consistent with section 3 of the act, which states that tips are the property of the employee.

Some commentators including IRRC, and the Honorable Chairperson Cox questioned the necessity of this section given that section 3 of the act specifically states that tips are the property of the employee. However, it is clear from comments that the Department received that there are businesses that do deduct credit card processing fees from employee tips. Given this practice, the Department has decided to keep this section in this final-form rulemaking to provide clear guidance that this practice is not permitted in this Commonwealth.

The Department amends language in this final-form rulemaking. First, the Department heeded the suggestion of the Honorable Chairperson Cox and adds a prohibition of deducting any type of processing fees from tips not just credit card processing fees. The Department also adds language to clarify that employers cannot deduct credit card processing fees even if an employee participates in a

tip pool. The Department is confident that these amendments will provide greater protection to tipped employees.

§ 231.114. Service charges

The Department adds this section to address service charges that employers may choose to charge patrons. There currently is no regulation which addresses service charges as they affect tipped employees. This is in accordance with section 9 of the act, which grants the Department's authority to issue regulations regarding tipped employees and to protect employees from unreasonably low wages.

Subsection (a) requires employers who charge patrons service fees to provide patrons notice in the contract with the patron and on a menu provided to the patron. This regulation clarifies to patrons that a service charge is different than a tip.

Subsection (b) requires a service charge notice to state that the charge is for the administration of the banquet, special function or package deal and is not a tip to be distributed to employees. This regulation clarifies to patrons that a service charge is different than a tip.

Subsection (c) requires billing statements to contain separate lines for service charges and tips. This final-form rulemaking further clarifies to patrons that a service charge is different than a tip.

IRRC, the Honorable Chairperson Cox and other commentators expressed concern that the Department's regulation usurped the Attorney General's authority to enforce the UTPCPL. However, after consulting with the Attorney General and researching the subject, the Department is satisfied that it does possess the authority to issue this regulation. As such, the Department has decided to keep the proposed language in this final-form rulemaking.

The Department addressed the Honorable Chairperson Cox's concern regarding whether an employer can use service charges to satisfy its obligation to pay the minimum wage and overtime to employees. In response, the Department adds subsection (d) which provides that if an employer distributes service charges to employees, those sums may satisfy the employers obligation to pay the minimum wage and overtime but may not count as tips.

Affected Persons

This final-form rulemaking affects all employers in this Commonwealth covered by the act and all individuals who are employed by these entities who performed tipped work or are salaried employees eligible for overtime.

The Department estimates that this final-form rulemaking benefits up to 434,712 workers in this Commonwealth. These affected workers include the approximately 199,285 tipped workers, as defined by the act's current regulations; the approximately 47,250 food service managers and supervisors who will gain a bright line test as to when they may keep tips received from a customer for services they directly and solely provide; the approximately 160,750 workers who do not customarily and regularly receive tips but may be included in a non-traditional tip pool; and the approximately 27,427 Pennsylvanians who are paid overtime using the fluctuating workweek method.

Fiscal Impact

The Department does not anticipate that this final-form rulemaking will create a significant impact on its enforcement budget.

This final-form rulemaking may have a fiscal impact for employers. Costs related to compliance may include costs

of becoming familiar with the regulation and costs of adjusting operations to the regulation. Regulatory familiarization and adjustment costs will likely be limited in duration.

Specifically, the regulatory familiarization cost to the regulated community in this Commonwealth in Fiscal Year (FY) 2022-2023 is \$1,958,418 (based on an average hourly wage of \$33.13 for a human resources specialist in this Commonwealth in May 2020 plus benefits cost equaling 46% base salary plus overhead cost at 17% base salary multiplied by 1 hour multiplied by the total number of establishments that are likely to be required to comply, 36,267). The adjustment cost to the regulated community in this Commonwealth in FY 2022-2023 is up to \$1,958,418 (based on an average hourly wage of \$33.13 for a human resources specialist in this Commonwealth plus benefits cost equaling 46% base salary plus overhead cost at 17% base salary multiplied by the total number of establishments that are likely to be required to comply, 36,267).

The Department acknowledges that employers may bear certain ongoing costs related to compliance with this final-form rulemaking. Because of limited data on business decision making and the inability to model human behavior as it pertains to employment decisions, the Department cannot anticipate which of the varied operational options available to employers to comply with this final-form rulemaking they will select and thus cannot estimate the ongoing costs of compliance. For example, to adjust to costs related to the definition of regular rate, employers could choose to hire more employees to offset the need for overtime, restrict the use of overtime by current employees by making scheduling adjustments, or change the method of compensation for employees to reallocate labor costs, among other options. The Department expects that most businesses will select the option that limits new costs.

More data, though still limited, is available to estimate the ongoing transfer costs employers are likely to bear as a result of the prohibition on deducting credit card and other payment processing fees from employees' tips. Based on 2018 data on reported tips in the United States and wages and salaries in this Commonwealth and considering method of payment trends over the past 2 decades, the Department estimates that employers may bear up to \$20,366,675.30 in costs related to credit card and other payment processing fees annually that previously they deducted from employees' tips. The method of calculating this estimate is described in the RAF.

Reporting, Recordkeeping and Paperwork Requirements

This final-form rulemaking will not require the creation of new forms. However, employers who institute a tip pooling arrangement will have to keep records of the employees who are part of the tip pool and the dates and amounts of tips disbursed to these employees. These employers will have to make these records available to the Department upon request.

Sunset Date

A sunset date is not appropriate for this final-form rulemaking because it is not appropriate to sunset a regulation that protects workers from unreasonably low wages. However, the Department will continue to monitor the impact and effectiveness of this final-form rulemaking.

Effective Date

This final-form rulemaking will take effect 90 days after publication in the *Pennsylvania Bulletin*.

Contact Person

Interested persons who require further information about this final-form rulemaking may submit inquiries to Bryan M. Smolock, Director, Department of Labor and Industry, Bureau of Labor Law Compliance, 651 Boas Street, Harrisburg, PA 17121 or bsmolock@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 5, 2021, the Department submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 7239, to IRRC and the Chairpersons of the House and Senate Labor and Industry Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

On February 17, 2022, the Department delivered the final-form rulemaking to IRRC, and the Chairpersons of the House and Senate Labor and Industry Committees. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 20, 2022, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2022, and approved the final-form rulemaking.

Findings

The Department finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments received were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 51 Pa.B. 7239.
- (4) This final-form rulemaking is necessary and suitable for the administration of the act.

Order

The Department, acting under its authorizing statute, orders that:

- (a) The regulations of the Department, 34 Pa. Code Chapter 231, are amended by amending §§ 231.1, 231.34 and 231.43, and adding §§ 231.101a, 231.111—231.114 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (b) The Department shall submit this order, and Annex A to the OAG and the Office of General Counsel for approval, as required by law.
- (c) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(d) This final-form rulemaking shall take effect 90 days after publication in the *Pennsylvania Bulletin*.

JENNIFER BERRIER,
Secretary

(*Editor’s Note:* See 52 Pa.B. 2087 (April 2, 2022) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 12-114 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY
PART XII. BUREAU OF LABOR LAW COMPLIANCE
CHAPTER 231. MINIMUM WAGE
GENERAL PROVISIONS

§ 231.1. Definitions.

* * * * *

(b) In addition to the provisions of subsection (a), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Bona fide training program—One which must involve either formal instruction or on-the-job training during a period when the learner is entrusted with limited responsibility and is under supervision or guidance.

Bureau—The Bureau of Labor Law Compliance of the Department.

Customarily and regularly—A frequency which must be greater than occasional, but which may be less than constant.

Department—The Department of Labor and Industry of the Commonwealth.

* * * * *

Secretary—The Secretary of Labor and Industry of the Commonwealth. The term Secretary includes the authorized representative of the Secretary.

Service charge—A mandatory fee an employer may charge to a patron for services that an employee renders.

Student—An individual who is enrolled in and regularly attends, on a full-time basis during the daytime, an institution of learning offering a course of instruction leading to a degree, certificate or diploma, or who is completing residence requirements for a degree. A person is deemed to be a student during the time that school is not in session if that person was a student during the preceding semester, trimester or similar term of instruction; provided however, that no person may be deemed a student for a period after the date of receipt of a degree, certificate or diploma.

Taxicab driver—An individual employed to drive an automobile equipped to carry no more than seven passengers which is used in the business of carrying or transporting passengers for hire on a zone or meter fare basis and which is not operated over fixed routes, between fixed terminals or under contract.

Tip credit—The difference between the statutory minimum wage outlined in section 4 of the act (43 P.S. § 333.104) and the hourly wage paid to tipped employees.

Tipped employee—An employee engaged in an operation in which the employee customarily and regularly receives more than \$135 a month in tips.

Tips—Voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

USDOL—The United States Department of Labor.

Week—A period of 7 consecutive days starting on any day selected by the employer.

* * * * *

EMPLOYER RECORDS

§ 231.34. Tipped employees.

Supplementary to the provisions of any section of this chapter pertaining to the payroll records to be kept with respect to employees, every employer shall also maintain and preserve payroll or other records containing the following additional information with respect to each tipped employee whose wages are determined under section 3(d) of the act (43 P.S. § 333.103(d)):

* * * * *

(2) Weekly or monthly amount reported by the employee, to the employer, of tips received. This may consist of reports made by the employees to the employer on IRS Form 4070.

(3) Amount by which the wages of each tipped employee have been deemed to be increased by tips, as determined by the employer. The amount per hour which the employer takes as a tip credit shall be reported to the employee in writing each time it is changed from the amount per hour taken in the preceding week. An employee failing or refusing to report to the employer the amount of tips received in any workweek shall not be permitted to show that the tips received were less than the amount determined by the employer in the workweek.

(4) Hours worked each workday in any occupation in which the tipped employee does not receive tips and total daily or weekly straight-time payment made by the employer for such hours.

(5) Hours worked each workday in occupations in which the employee received tips and total daily or weekly straight-time earnings for the hours.

(6) For employers who implement tip pools, the names and position of each participant in the tip pool and the amount distributed to each participant in the tip pool.

OVERTIME PAY

§ 231.43. Regular rate.

(a) For purposes of these §§ 231.41—231.43 (relating to overtime pay), the regular rate at which an employee is employed shall be deemed to include all remuneration for employment paid to or on behalf of the employee, but it shall not be deemed to include the following:

(1) Sums paid as gifts, payments in the nature of gifts made during any holiday or on other special occasions as a reward for service, the amounts of which are not measured by or dependent on hours worked, production or efficiency.

(2) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work or other similar cause, reasonable payments for traveling expenses or other expenses incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(3) Sums paid in recognition of services performed during a given period if:

(i) Both the fact that payment is to be made and the amounts of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement or promise causing the employee to expect such payments regularly.

(ii) The payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan without regard to hours of work, production or efficiency.

(iii) The payments are talent fees paid to performers, including announcers on radio and television programs.

(4) Contributions irrevocably made by an employer to a trustee or third person under a bona fide plan for providing old-age, retirement, life, accident or health insurance or similar benefits for employees.

(5) Extra compensation provided by a premium rate for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of 8 in a day or in excess of the maximum workweek applicable to the employee under § 231.41 (relating to rate) or in excess of the normal working hours or regular working hours of the employee, as the case may be.

(6) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than 1 1/2 times the rate established in good faith for like work performed in nonovertime hours on other days.

(7) Extra compensation provided by a premium rate paid to the employee in pursuance of an applicable employment contract or collective bargaining agreement for work outside of the hours established in good faith by the contract or agreement as the basic, normal or regular workday not exceeding 8 hours or workweek not exceeding the maximum workweek applicable to the employee under § 231.41 (relating to rate), where the premium rate is not less than 1 1/2 times the rate established in good faith by the contract or agreement for like work performed during the workday or workweek.

(b) If the employee is paid a flat sum for a day's work or for doing a particular job without regard to the number of hours worked in the day or at the job and if the employee receives no other form of compensation for services, the employee's regular rate is determined by totaling all the sums received at the day rates or job rates in the workweek and dividing by the total hours actually worked. The employee is then entitled to extra half-time pay at this rate for hours worked in excess of 40 in the workweek.

(c) No employer may be deemed to have violated these §§ 231.41—231.43 (relating to overtime pay) by employing an employee for a workweek in excess of the maximum workweek applicable to the employee under § 231.41 (relating to rate) if the employee is employed under a bona fide individual contract or under an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate substantially irregular hours of work. For example, where neither the employee nor the employer can either control or anticipate with a degree of certainty the number of hours the employee must work from week to week, where the duties of the employee necessitate significant variations in weekly hours of work both below

and above the statutory weekly limit on nonovertime hours, or where the substantially irregular hours of work are not attributable to vacation periods, holidays, illness, failure of the employer to provide sufficient work, or other similar causes, and the contract or agreement:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate and compensation at not less than 1 1/2 times the rate for hours worked in excess of the maximum workweek.

(2) Provides a weekly guaranty of pay for not more than 60 hours based on the rates so specified.

(d) No employer may be deemed to have violated these §§ 231.41—231.43 by employing an employee for a workweek in excess of the maximum workweek applicable to the employee under § 231.41 if, under an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the workweek in excess of the maximum workweek applicable to the employee under § 231.41:

(1) In the case of an employee employed at piece rates, is computed at piece rates not less than 1 1/2 times the bona fide piece rates applicable to the same work when performed during nonovertime hours.

(2) In the case of an employee's performing two or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than 1 1/2 times the bona fide rate applicable to the same work when performed during nonovertime hours.

(3) Is computed at a rate not less than 1 1/2 times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder; and if the average hourly earnings of the employee for the workweek, exclusive of payments described in subsection (a)(1)—(7), are not less than the minimum hourly rate required by applicable law and if extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

(e) Extra compensation paid as described in subsection (a)(5)—(7) shall be creditable toward overtime compensation payable under these §§ 231.41—231.43 (relating to overtime pay).

(f) No employer may be deemed to have violated these §§ 231.41—231.43 by employing an employee of a retail or service establishment for a workweek in excess of 40 hours if:

(1) The regular rate of pay of the employee is in excess of 1 1/2 times the minimum hourly rate applicable.

(2) More than half of the employee's compensation for a representative period, not less than 1 month, represents commissions on goods or services. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(g) The regular rate for salaried employees who are not exempt from overtime is the amount of remuneration determined under subsection (a) divided by 40 hours.

MINIMUM WAGE INCREASE AND TRAINING WAGE

§ 231.101a. Minimum wage increase.

(a) Under section 4(a.1) of the act (43 P.S. § 333.104(a.1)), an employer shall pay at least \$7.25 an hour to all employees for all hours worked subject to exclusions and exemptions contained in the act and this chapter.

(b) The minimum wage for tipped employees is \$2.83 per hour under section 3(d) of the act (43 P.S. § 333.103(d)) with all of the following conditions:

(1) An employer shall pay the difference when the employee's tips plus the hourly wage for tipped employees does not meet the minimum wage contained in subsection (a) in this Commonwealth.

(2) The tip credit applies only if an employee received over \$135 in tips for a month.

TIPPED EMPLOYEES

§ 231.111. Tip credit for non-tipped duties.

The USDOL standards for tipped employees at 29 CFR 531.56 (relating to "more than \$30 a month in tips") in effect as of May 7, 2022, are incorporated by reference with the exception of subsection (f)(4)(ii).

§ 231.112. Tip pooling.

(a) The USDOL standards for tipped employees at 29 CFR 531.54 (relating to tip pooling) in effect as of May 7, 2022, are incorporated by reference.

(b) At or before the time the employer makes an employment offer or at least one pay period before the tip pooling arrangement takes effect, an employer shall provide affected employees written notice of the tip pooling arrangement.

§ 231.113. Credit card and other processing fees.

(a) An employer that permits patrons to pay tips by credit card or other non-cash forms of payment shall pay the tipped employee the full amount of the tip authorized by the patron and may not deduct credit card payment or other processing fees or costs that the credit card or other company may charge to the employer.

(b) An employer that permits patrons to pay tips by credit card or other non-cash forms of payment may not deduct credit card payment or other processing fees or costs before distributing tips under a tip pooling arrangement allowed under § 231.112 (relating to tip pooling).

§ 231.114. Service charges.

(a) An employer that charges for the administration of a banquet, special function or package deal shall notify patrons of this charge by providing notice:

(1) In the statement in a contract or agreement with the patron; and

(2) On any menu provided to the patron.

(b) The notice required by subsection (a) must state that the administrative charge is for administration of the banquet, special function or package deal and does not include a tip to be distributed to the employees who provided service to the guests.

(c) When an employer chooses to charge for the administration of the banquet, special function or package deal, any billing statement must contain separate lines for service charges and tips.

(d) An employer may distribute a service charge to its employees. The amount distributed to employees must count as remuneration in accordance with § 231.43(a) (relating to regular rate) but may not count as a tip in accordance with § 231.1 (relating to definitions).

[Pa.B. Doc. No. 22-661. Filed for public inspection May 6, 2022, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending April 26, 2022.

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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-21-2022	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	2483 Stiegel Pike Schaefferstown Lebanon County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
04-21-2022	MCS Bank Lewistown Mifflin County	Filed

Amendment to Article II of the institution's Articles of Incorporation provides for the principle place of business of the bank to be relocated from 19 North Brown Street, Lewistown, Mifflin County, PA, to 100 Commerce Drive, Milroy, Mifflin County, PA.

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
04-21-2022	Community Regional Credit Union Kingston Luzerne County	Approved

Application for approval to merge Community Regional Credit Union, Kingston, with and into Choice One Community Federal Credit Union, Plains Township.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-662. Filed for public inspection May 6, 2022, 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>
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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 the Department 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: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

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

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department 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.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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>
0913851	Joint DEP/PFBC Pesticides Permit	Renewal	Detweiler Lisa 1115 Strawntown Road Quakertown, PA 18951-5432	Haycock Township Bucks County	SERO
1513926	Joint DEP/PFBC Pesticides Permit	Transfer	Tcholakian-Chalian Talar 1461 Art School Road Chester Springs, PA 19425-1003	West Pikeland Township Chester County	SERO
1522805	Joint DEP/PFBC Pesticides Permit	New	Traditions at Inniscrone 5 Christy Drive Chadds Ford, PA 19317	London Grove Township Chester County	SERO
2322804	Joint DEP/PFBC Pesticides Permit	New	Sacks Adam 1515 N Ridley Creek Road Media, PA 19063-2022	Upper Providence Township Delaware County	SERO
4622806	Joint DEP/PFBC Pesticides Permit	New	Satterthwaite David 144 Hopwood Road Collegeville, PA 19426-2844	Upper Providence Township Montgomery County	SERO
4622807	Joint DEP/PFBC Pesticides Permit	New	Updegrove Brad 2607 Faust Road Gilbertsville, PA 19525-9745	New Hanover Township Montgomery County	SERO
6522801	Joint DEP/PFBC Pesticides Permit	New	Westmoreland County 194 Donohoe Road Greensburg, PA 15601-6986	Allegheny Township Westmoreland County	SWRO

NOTICES

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<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>
6722804	Joint DEP/PFBC Pesticides Permit	New	Hogg Patricia 11380 White Oak Road New Freedom, PA 17349-8529	Shrewsbury Township York County	SCRO
3601405	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	Black Rock Retreat Association 1345 Kirkwood Pike Quarryville, PA 17566-9539	Colerain Township Lancaster County	SCRO
0206202	Major Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Cheswick Plant Environmental Redevelopment Group LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
3522402	Major Sewage Treatment Facility Individual WQM Permit	New	PA American Water Co. 2699 Stafford Avenue Scranton, PA 18505-3608	Scranton City Lackawanna County	NERO
3691201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Valley Proteins Inc. P.O. Box 369 693 Wide Hollow Road Terre Hill, PA 17581-0369	East Earl Township Lancaster County	SCRO
2575401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA DOT Maintenance & Operations Bureau PA DOT Bureau of Office Services 400 North Street 5th Floor Harrisburg, PA 17120	Springfield Township Erie County	NWRO
3622402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Michael Delpriore P.O. Box 527 1730 Hans Herr Drive Willow Street, PA 17316-9358	West Earl Township Lancaster County	SCRO
NOEXNW021	No Exposure Certification	Renewal	4Front Solutions, LLC 8140 Hawthorne Drive Erie, PA 16509-4654	Summit Township Erie County	NWRO
NOEXSC273	No Exposure Certification	Renewal	New Penn Motor Express, Inc. 11500 Outlook Street Overland Park, KS 66211-1804	Muhlenberg Township Berks County	SCRO
NOEXSC379	No Exposure Certification	New	Hood Container Corp 200 Boxwood Lane York, PA 17402-9302	Springettsbury Township York County	SCRO
NOEXSE021	No Exposure Certification	Renewal	Streamlight, Inc. 30 Eagleville Road Eagleville, PA 19403-1422	Lower Providence Township Montgomery County	SERO
PAR322204	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Polyglass USA, Inc. 555 Oak Ridge Drive Humboldt Ind Pike Hazleton, PA 18201	Hazle Township Luzerne County	NERO
PAG041078	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Tauber Jason II 11611 Phillippsville Road Wattsburg, PA 16442	Venango Township Erie County	NWRO
PAG109616	PAG-10 NPDES General Permit for Hydrostatic Test Water	Renewal	National Fuel Gas Supply Corp 1100 State Street Erie, PA 16501-1912	Erie City Erie County	CO

<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>
1808401	Pump Stations Individual WQM Permit	Transfer	Woodward Township Municipal Authority 21 Oriole Road Lock Haven, PA 17745-1620	Woodward Township Clinton County	NCRO
3622405	Sewer Extensions Individual WQM Permit	New	Lancaster City Lancaster County 120 N Duke Street Lancaster, PA 17608	Lancaster City Lancaster County	SCRO
2222401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Berstler Dennis 204 Peach Avenue Hershey, PA 17033-2029	West Hanover Township Dauphin County	SCRO
2522410	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Danielle & Mark Rubeo 6750 Millfair Road Fairview, PA 16415-2710	Fairview Township Erie County	NWRO
PA0034011	Small Flow Treatment Facility Individual NPDES Permit	Amendment Minor	Bedford Materials Co. Inc. 7676 Allegheny Road Manns Choice, PA 15550-8967	Napier Township Bedford County	SCRO
2522411	Small Flow Treatment Facility Individual WQM Permit	New	Yearwood Lagunas Helene 11355 Rte 18 Albion, PA 16401	Conneaut Township Erie County	NWRO
WQG018845	WQG-01 WQM General Permit	Transfer	Tauber Jason II 11611 Phillippsville Road Wattsburg, PA 16442	Venango Township Erie County	NWRO
WQG02252201	WQG-02 WQM General Permit	New	Fairview Township Water & Sewer Authority Erie County 68 Port Access Road Erie, PA 16507-2204	Erie City Erie County	NWRO
WQG02672202	WQG-02 WQM General Permit	New	Newberry Township York County 1915 Old Trail Road Etters, PA 17319-9130	Newberry Township York County	SCRO

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

PA0209066, Sewage, SIC Code 4952, **Roulette Township**, P.O. Box 253, Roulette, PA 16746-0253. Facility Name: Roulette Township Sewer System STP. This existing facility is located in Roulette Township, **Potter 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), Allegheny River (CWF), is located in State Water Plan watershed 16-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.13 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	27	43	XXX	25	40	50

<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) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Total Suspended Solids Raw Sewage Influent	33 XXX	49 XXX	XXX XXX	30 Report	45 XXX	60 XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	10,000 Daily Max	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	1,000 Daily Max	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	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 570-327-3693.

The EPA Waiver is in effect.

Northeast Regional Office

PA0062901, Sewage, SIC Code 4952, **Derek Felts**, 7280 Borman Road, New Tripoli, PA 18066-4316. Facility Name: Derek Felts Residence. This existing facility is located in Lynn Township, **Lehigh 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 Ontelaunee Creek (CWF), is located in State Water Plan watershed 3-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 0.0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	Report Avg Mo	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northwest Regional Office

PA0101826, Sewage, SIC Code 6515, **Jones Estates Woodland Meadows PA, LLC**, 2310 South Miami Boulevard, Durham, NC 27703-5798. Facility Name: Woodland Meadows MHP. This existing facility is located in Connoquenessing 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, an Unnamed Tributary to the Little Connoquenessing Creek (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
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
E. Coli (No./00 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	15.0	XXX	30
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Solids Management

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

The EPA Waiver is in effect.

PA0240231, Sewage, SIC Code 4952, 8800, **Erick Turnbull**, 510 Pittsville Road, Kennerdell, PA 16374-4708. Facility Name: Erick Turnbull SRSTP. This existing facility is located in Rockland Township, **Venango 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 Shull Run, located in State Water Plan watershed 16-G and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

The EPA Waiver is in effect.

PA0263770, Sewage, SIC Code 8800, **Dena M. & Trent H. A. Nagy**, 17973 Townville Road, Centerville, PA 16404-2421. Facility Name: Dena M. & Trent H. A. Nagy SRSTP. This existing facility is located in Athens Township, **Crawford 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, an Unnamed Tributary to the Muddy Creek, is located in State Water Plan watershed 16-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0264270, Sewage, SIC Code 8800, **Amy & Joseph Scarnati**, 978 Evergreen Street, Brockway, PA 15824-2168. Facility Name: Amy & Joseph Scarnati SRSTP. This existing facility is located at 6048 Route 666, Sheffield, PA 16347, located in Sheffield Township, **Warren County**.

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

The receiving stream(s), Tionesta Creek, is located in State Water Plan watershed 16-F 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 0.0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

PA0264466, Sewage, SIC Code 4952, 8800, **Joseph Frugoli**, 145 New Road, Churchville, PA 18966-1445. Facility Name: Joseph Frugoli SRSTP. This existing facility is located in Eldred Township, **McKean County**.

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

The receiving stream is an unnamed tributary to Indian Creek, located in State Water Plan watershed 16-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0264741, Sewage, SIC Code 4952, 8800, **Ralph Turner**, 264 Horn Siding Lane, Spring Creek, PA 16436-3810. Facility Name: Ralph Turner SRSTP. This existing facility is located in Spring Creek Township, **Warren 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 Brokenstraw Creek, located in State Water Plan watershed 16-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0264903, Sewage, SIC Code 4952, 8800, **Deborah Schmelzer**, 151 Etna Road, Slippery Rock, PA 16057. Facility Name: Deborah Schmelzer SRSTP. This existing facility is located in Slippery Rock 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 Slippery Rock Creek, located in State Water Plan watershed 20-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0265438, Sewage, SIC Code 0742, 4952, 8800, **Tracey Brown**, 4796 State Route 8, Titusville, PA 16354-7780. Facility Name: Tracey Brown SRSTP. This existing facility is located in Cherrytree Township, **Venango 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 Oil Creek, located in State Water Plan watershed 16-E and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .00048 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0290262, Sewage, SIC Code 4952, 8800, **Daniel Vogus**, 916 State Rte 428, Oil City, PA 16301. Facility Name: Daniel Vogus SRSTP. This proposed facility is located in Oakland Township, **Venango County**.

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

The receiving stream is an Unnamed Tributary of Twomile Run, located in State Water Plan watershed 16-E and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0290441, Sewage, SIC Code 4952, 8800, **Sandra & William Thornton**, 262 Red Mills Road, Pine Bush, NY 12566-6218. Facility Name: Sandra & William Thornton SRSTP 2. 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 sewage.

The receiving stream is an Unnamed Tributary to Ashtabula Creek, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0290459, Sewage, SIC Code 8800, **Ronald Barkey**, 3419 Gage Place, San Diego, CA 92106. Facility Name: Ronald Barkey SRSTP. This proposed facility is located in Plain Grove Township, **Lawrence 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), Jamison Run, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

<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.

PA0290505, Sewage, SIC Code 4952, 8800, **Nadine Pollock**, 5909 Route 666, Sheffield, PA 16347-2131. Facility Name: Nadine Pollock SRSTP. This proposed facility is located in Sheffield Township, **Warren County**.

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

The receiving stream is an unnamed tributary to Tionesta Creek, located in State Water Plan watershed 16-F and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0290513, Sewage, SIC Code 8800, **Christina Fosbaugh**, 121 Main Street, Shipperville, PA 16254. Facility Name: Christina Fosbaugh SRSTP. This proposed facility is located in Elk Township, **Clarion 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 Judith Run, 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 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
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.

PA0290564, Sewage, SIC Code 8800, **Sandra Simmers**, 159 Ball Park Road, Sharpsville, PA 16150-3005. Facility Name: Sandra Simmers SRSTP. This proposed facility is located in Jefferson 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 Shenango River, 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 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 (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	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.

PA0290572, Sewage, SIC Code 8800, **Stephen Andersen**, 10564 Route 19 N, Waterford, PA 16441-9117. Facility Name: Stephen Andersen SRSTP. This proposed facility is located in Waterford 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 LeBoeuf Creek, is located in State Water Plan watershed 16-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0266361, Sewage, SIC Code 1521, **Jennifer Stephens**, 53 Sassafras Lane, Delta, PA 17314-7000. Facility Name: Jennifer Stephens Res. This existing facility is located in Peach Bottom Township, **York 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), Fishing Creek (CWF (existing use)), is located in State Water Plan watershed 7-I 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 (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	5.0 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 717-705-4732.

The EPA Waiver is in effect.

PA0291552, Sewage, SIC Code 6514, **Dennis Berstler**, 204 Peach Avenue, Hershey, PA 17033-2029. Facility Name: 7317 Devonshire Heights Rd. This proposed facility is located in West Hanover Township, **Dauphin 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 Beaver Creek (WWF, MF), is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	5.0 Inst Min XXX	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

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

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

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0051616 A-1, Industrial, SIC Code 4941, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: Shady Lane Water Treatment Plant. This existing facility is located in East Vincent Township, **Chester County**.

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

The receiving stream(s), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .07 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .07 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.7	XXX	2.0
Total Suspended Solids	19	38	XXX	30	60	75
Aluminum, Total	2.54	5.07	XXX	4.0	8.0	10
Iron, Total	1.27	2.54	XXX	2.0	4.0	5
Manganese, Total	0.64	1.28	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on a design flow of .07 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	127.0	254.0	XXX	20.0	40.0	50
Aluminum, Total	25.4	50.7	XXX	4.0	8.0	10
Iron, Total	12.7	25.4	XXX	2.0	4.0	5
Manganese, Total	6.3	12.7	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on a design flow of .07 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

PA0026247, Sewage, SIC Code 4952, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915-9766. Facility Name: Hatfield Township STP. This existing facility is located in Hatfield Township, **Montgomery County**.

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

The receiving stream, West Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.98 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Bromide	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6.98 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</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
			Inst Min			
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
			Inst Min			

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	1,073	1,609	XXX	18	27	36
May 1 - Oct 31	536	804	XXX	9.1	Wkly Avg 14	18
Raw Sewage Influent Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	1,746	2,620	XXX	30	45	60
Total Dissolved Solids	58,213	XXX	XXX	1,000	Wkly Avg XXX	1,500
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000*
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	483	XXX	XXX	8.2	XXX	16.4
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	322	XXX	XXX	5.5	XXX	11
May 1 - Oct 31	107	XXX	XXX	1.8	XXX	3.6
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	58	XXX	XXX	1.0	XXX	2
Apr 1 - Oct 31	43	XXX	XXX	0.74	XXX	1.48
Antimony, Total	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	Report	XXX	Report	Report	XXX
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Selenium, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX

*Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 002 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 003 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 004 are based on an average stormwater flow—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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Optimization
- Small Stream Discharge
- Operator Notification
- Fecal Coliform Reporting
- Pretreatment Program Implementation
- Solids Management
- Site-Specific Criteria Study
- WET Condition
- Stormwater Outfalls Requirement

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

The EPA Waiver is not in effect.

PA0051268, Sewage, SIC Code 8412, **PA DCNR**, 2808 Three Mile Run Road, Perkasio, PA 18944-2065. Facility Name: Washington Crossing Historic Park Lower WWTP. This existing facility is located in Upper Makefield Township, **Bucks 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), Delaware River (WWF, MF), is located in State Water Plan watershed 2-E 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 0.009 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.2
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	2.0	XXX	XXX	25.0	XXX	50
Total Suspended Solids	2.25	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Ammonia-Nitrogen	2.0	XXX	XXX	20.0	XXX	40
Total Phosphorus	0.30	XXX	XXX	2.0	XXX	4

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

- No stormwater into sewage
- Proper disposal of collected screenings, slurries, sludges and other solids
- Optimization of chlorine dosages used for disinfection to minimize TRC in effluent
- Notification of the designation of responsible operator
- Development of Operations & Maintenance (O&M) Plan
- Fecal Coliform Monitoring

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

The EPA Waiver is in effect.

Southwest Regional Office

PAI136104, MS4, **White Oak Borough, Allegheny County**, 2280 Lincoln Way, White Oak, PA 15131-2408.

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 White Oak Borough, **Allegheny County**. The receiving streams, Youghiogheny River (WWF), Long Run (HQ-TSF), Jacks Run (HQ-TSF), Crooked Run (WWF), Unnamed Tributary to Long Run (HQ-TSF, MF), and Unnamed Tributary to Jacks Run (HQ-TSF), is located in State Water Plan watershed 19-D and 19-A and is classified for Migratory Fishes, Trout Stocking, High Quality Waters—Trout Stocking, and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

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 for small MS4s and is not in effect for large MS4s.

PA0020656, Sewage, SIC Code 4952, **Newell Municipal Authority**, 413 Second Street, Newell, PA 15466-0356. Facility Name: Newell Municipal Authority. This existing facility is located in Newell Borough, **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), Monongahela River (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Average Monthly	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Weekly Average	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max	6.0	XXX	XXX	9.0
		XXX				
			Inst Min			

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.5	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	20.85	31.3	25.0	37.5	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	Report	XXX	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	Report	XXX	XXX	XXX
Total Suspended Solids Fecal Coliform (No./100 ml)	25.0	37.5	30.0	45.0	XXX	60
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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	Report Avg Mo	Report Daily Max	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	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.

PA0021628, Sewage, SIC Code 4952, **Borough of Salisbury**, P.O. Box 343, Salisbury, PA 15558-0343. Facility Name: Salisbury Borough STP. This existing facility is located in Salisbury Borough, **Somerset 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), Casselman River (WWF), is located in State Water Plan watershed 19-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	41.7	62.6	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	XXX	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	50.0	75.0	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	XXX	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)						
Nov 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	25.0	XXX	50

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli	XXX	XXX	XXX	Report	XXX	Report
				Avg. Qrtly		

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

- Optimization of chlorine dosage
- Notification of designation of responsible operator
- Hauled-in waste restriction
- Solids management for non-lagoon system

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.

PA0204064, SIC Code, **Jeffrey S. Robson**, 829 Baileys Run Road, Tarentum, PA 15084-3720. Facility Name: Robson SRSTP. This existing facility is located in Frazer Township, **Allegheny County**.

Description of Existing Activity: The application is for the major amendment of an NPDES permit for an existing discharge of treated single residence sanitary sewage.

The receiving stream(s), Bailey Run (WWF), is located in State Water Plan watershed 18-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>Weekly Average</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	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.

PA0252999, Sewage, SIC Code 4952, **Unity Township Municipal Authority**, P.O. Box 506, Pleasant Unity, PA 15676-0506. Facility Name: 14 Mile Run STP. This existing facility is located in Unity Township, **Westmoreland County**.

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

The receiving stream(s), Fourmile Run (WWF), is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	115	175	XXX	15.0	22.5	30
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	235	355	XXX	30.0	45.0	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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	35	70	XXX	4.5	6.5	9
May 1 - Oct 31	15	30	XXX	2.0	3.0	4
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Iron	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report Daily Max	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.

PA0284815, Sewage, SIC Code 9999, **McElroy Road, LLC**, 733 Thompson Run Road, Pittsburgh, PA 15237-3970. Facility Name: McElroy Road LLC SRSTP. This proposed facility is located in Franklin Park Borough, **Allegheny 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 Rippling Run (TSF), is located in State Water Plan watershed 20-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is 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>DEP Office</i>
PAD140074 A-1	Major Amendment Individual Permit	DCNR 4216 Beaver Road Philipsburg, PA 16866-9519	Rush Township Centre County	NCRO
PAD150256	New	Patriot Self Storage, LLC 206 Crimson Drive Oxford, PA 19363-4328	Lower Oxford Township Chester County	SERO
PAD230012 A-16	Amendment	City of Philadelphia Division of Aviation (DOA) Terminal D-E Philadelphia International Airport Third Floor Philadelphia, PA 19153	Tinicum Township Delaware County	SERO
PAC040034 A-1	Major Amendment	PA Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Big Beaver Borough Beaver County	RPCO

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.

Persons 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.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

**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>
Roaring Creek Egg Farms, LLC 190 Tyson School Road Catawissa, PA 17820	Columbia	0	3,266.10	Layers	HQ	Renewal
Farm 1 319 Middle Road Catawissa, PA 17820						

<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>
Farm 2 1019 Numidia Drive Catawissa, PA 17820						
Farm 3 54 Gas Well Road Catawissa, PA 17820						
Ar Joy Farms Duane Hershey 1600 Althouse Road Cochranville, PA 19330	Chester	660.7	1,415.44	Dairy	NA	New

PUBLIC WATER SUPPLY PERMITS

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

Persons 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 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, the Department 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.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.

Application No. 4022504, Public Water Supply.

Applicant **CAN DO, Inc.**
1 South Church Street
Suite 200
Hazleton, PA 18201

Municipality	Hazle Township
County	Luzerne
Type of Facility	Public Water Supply
Consulting Engineer	Robert Horvat, P.E. Entech Engineering, Inc. 400 Industry Drive Suite 200 Pittsburgh, PA 15275
Application Received Date	April 15, 2022
Description of Application	Installation of iron and manganese treatment systems at Wells 1, 3, 7, 8 and 9 in Humboldt Industrial Park.

WATER ALLOCATIONS

Applications Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

WA11-620E, Water Allocations. **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904, **Cambria County**. Applicant requests the right to withdraw 5.0 million gallons per day (MGD) annual average, from the Beaverdam Reservoir in Cambria County.

WA11-620F, Water Allocations. **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904, **Cambria County**. Applicant requests the right to withdraw 1.495 million gallons per day (MGD), average day, from the Lloydell Reservoir in Cambria County.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices 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 (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment

noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons 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 the Department. A NOI to Remediate filed with the Department 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. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons 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 person, 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 the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787.

Contact: Charline Bass.

3145 Grays Ferry Avenue, 3145 Grays Ferry Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Heather Shoemaker, GZA, 1515 Market Street, Suite 945, Philadelphia, PA 19102 on behalf of Richard S. Oller, GOS Grays Ferry, LLC, 107 South 2nd Street, Suite 500, Philadelphia, PA 19106 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been found to be impacted with VOCs and SVOCs. The future use of the site will continue to be nonresidential with redevelopment as a public storage

facility. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *The Philadelphia Inquirer* on March 17, 2022.

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

Contact: Eric Supey, Environmental Program Manager.

Alburtis Elementary School, 222 West Third Street, Alburtis, PA 18011, Alburtis Borough, **Lehigh County**. JMT Industrial & Environmental, 710 Uhler Road, Easton, PA 18040, on behalf of East Penn School District, 800 Pine Street, Emmaus, PA 18049, submitted a Notice of Intent to Remediate. Soil was contaminated with heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Morning Call* on April 1, 2022.

America on Wheels Site and Adjacent Parcel, 5 North Front Street and 51 North Front Street, Allentown, PA 18102, Allentown City, **Lehigh County**. Earthres Group, 6912 Old Easton Road, Pipersville, PA 18947, on behalf Lehigh River Development Corporation IV, LLC, 300 Coles Street, Jersey City, NJ 07310, submitted a Notice of Intent to Remediate. Soil was contaminated with metals, volatile organic compounds, and semi-volatile organic compounds from historic industrial operations. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Morning Call* on April 14, 2022.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.

SWN Production Co, LLC, GU 04-Williams-Aeppli-Pad, 673 Aeppli Road, Wyalusing, PA 18845, Herrick Township, **Bradford County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf SWN Production Company, LLC, 917 SR 92 N, Tunkhannock, PA 18657, has submitted a Notice of Intent to Remediate concerning site soil and groundwater contaminated with production water. The applicant proposes to remediate the site to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on March 29, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

General Permit Application No. WMGM017SE002. Kitchen Harvest Inc., 137 West Knowlton Road, Media, PA 19063-5425. This renewal application is for the Determination of Applicability (DOA) under the conditions defined within General Permit No. WMGM017SE002 (Formerly WMGM017D015) for on-farm source separated composting activities at the Linvilla Orchards Site, located in Middletown Township, **Delaware County**. The

renewal application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on April 18, 2022.

Questions or comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915 or by telephone at 484-250-5960. TDD users may contact the (DEP) through the Pennsylvania Hamilton Relay Service at (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

*Southeast Region: Regional Solid Waste Manager,
2 East Main Street, Norristown, PA 19401, 484-250-5960.*

Permit Application No. 101699. Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067-3704. This Major Permit Modification Application to Solid Waste Permit No. 101699 is for the inclusion of Reclaimed Asphalt Pavement (RAP) as an acceptable alternative component within reinforced backfill for mechanically stabilized earth (MSE) berms and the structural fill on the eastern perimeter of Cells 10—13 of Fairless Landfill. The Fairless Landfill is a municipal solid waste disposal facility located in Falls Township, **Bucks County**. Application received: April 13, 2022.

Comments or questions concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915 or by telephone at 484-250-5960. TDD users may contact the (DEP) through the Pennsylvania Hamilton Relay Service at 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.

Permit Application No. 101699. Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067-3704. This Phase I Application for Major Permit Modification to Solid Waste Permit No. 101699 is for a lateral expansion for an additional 63.5 acres to the east of the existing Fairless Landfill to provide approximately 23.8 million cubic yards of additional airspace volume and approximately four years of additional disposal life. The Fairless Landfill is a municipal solid waste disposal facility located in Falls Township, **Bucks County**. Application received: April 25, 2022.

Questions or comments should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915 or by telephone at 484-250-5960. TDD users may contact the (DEP) through the Pennsylvania Hamilton Relay Service at (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.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department 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 the Department, 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 Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’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 Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’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.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, 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 the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department 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.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

PLAN APPROVALS

Plan Approval Applications Received Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that May Have Special Public Interest. These Applications are in Review and No Decision on Disposition Has Been Reached.

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

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

25-1066B: Bracken Funeral Home, Inc., 315 North Center Street, Corry, PA 16407, for the proposed construction and initial operation of a human crematory at their facility in the City of Corry, **Erie County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits 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.

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

Contact: David Balog, New Source Review Chief, (814) 332-6940.

37-00013G: CEMEX Construction Materials Atlantic, LLC (CEMEX), 2001 Portland Park, Wampum, PA 16157-9109. 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 No. PA-37-00013G to CEMEX to authorize the proposed new CEMEX Wampum Cement Plant located in Wampum Borough, **Lawrence County**.

CEMEX proposes a maximum production capacity of 3,120 short tons of clinker per day (stpd) on a 30-operating day rolling average that will include the installation and operation of the following air contamination sources, controls, and monitoring systems:

- a five (5) stage, preheater/calciner kiln system equipped with low NO_x burners, selective non-catalytic reduction (SNCR) combustion emission control, activated carbon (ACI), dry absorbent system (DAA), and nitrogen oxides (NO_x), sulfur oxides (SO₂), carbon monoxide (CO), total hydrocarbons (THC), carbon dioxide (CO₂) continuous emission monitoring systems (CEMS);

- a clinker cooler exhausting to the shared main stack and emission control systems;

- main stack fabric filter system controlling particulate matter emissions (PM) from the kiln and clinker cooler operating with a continuous particulate monitoring system (CPMS), continuous opacity monitors (COMS), and bag leak detection system (BLDS);

- a vertical, raw meal grinding system (290 short tons per hour) with dust collector;

- a ball mill, indirect coal grinding system (20 short tons per hour) with dust collector;

- a cooling tower with a drift eliminator;

- an aqueous ammonia (<19%) tank (15,200 gallon);
- an emergency generator (1000 KW, 1,475 bhp);
- a fire system pump engine (183 bhp);
- numerous other dust collectors for particulate matter control of other plant operations;
- vehicle and truck traffic on paved and unpaved roads;
- other ancillary equipment included in the material handling and conveying operations; and
- other refurbished and reactivated existing equipment that includes the Finish Mills # 1 & # 2 and fuel tanks.

Coal is proposed as the primary fuel for the new pyroprocessing system. Alternate fuels and fuel mixes are proposed to be used to replace a portion of the coal fired in the new pyroprocessing system and include natural gas, biomass, No. 2 fuel oil, spent activated carbon, petroleum coke, non-hazardous engineered fuels, and Class A dried sewage sludge. Alternative fuel use will be dependent on sufficient availability and economic conditions.

The primary air contaminants from this facility will be NO (~859 tpy), CO (~786 tpy), PM (~160 tpy), particulate matter less than 10 microns (PM₁₀) (~148.5 tpy), particulate matter less than 2.5 microns (PM_{2.5}) (~116.2 tpy), SO₂ (~228 tpy), hydrochloric acid (HCl) (HAP) (~14 tpy), mercury (Hg) cmpds, (HAP) (~0.012 tpy), dioxin/furans (D/F) (~7.86E-8 tpy), THC (~130 tpy), volatile organic compounds (VOC) (~46 tpy), carbon dioxide equivalents (CO₂e) (1,048,162 tpy), ammonia (NH₃) (~31 tpy), and sulfuric acid (H₂SO₄) (~63 tpy). The facility is a major stationary source and a major source of hazardous air pollutants (HAPs) as defined by the Clean Air Act (CAA).

This authorization is subject to Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21; adopted in its entirety by the Department and incorporated by reference under Subchapter D Prevention of Significant Deterioration of Air Quality, 25 Pa. Code § 127.83; for nitrogen dioxide (NO₂), CO, PM, PM₁₀, PM_{2.5}, SO₂, H₂SO₄, and CO₂e emissions.

CEMEX Construction Materials Atlantic, LLC (CEMEX) has conducted air quality analyses using air dispersion modeling which satisfy the requirements of the Prevention of Significant Deterioration (PSD) regulations codified in 40 CFR 52.21 and 25 Pa. Code § 127.83.

In accordance with 40 CFR 52.21(k)—(n), CEMEX conducted air quality analyses of emissions of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter less than or equal to 10 micrometers in diameter (PM₁₀), particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}) and sulfur dioxide (SO₂) for the proposed major modification of its Wampum Cement Plant.

In accordance with 40 CFR 52.21(k), CEMEX's source impact analyses demonstrate that the net emissions increase due to the major modification of the Wampum Cement Plant would not cause or contribute to air pollution in violation of the NAAQS for CO, NO₂, PM₁₀, PM_{2.5}, or SO₂. Additionally, CEMEX's source impact analyses demonstrate that the net emissions increase due to the major modification of the Wampum Cement Plant would not cause or contribute to air pollution in violation of the Class II or Class I PSD increments for NO₂, PM₁₀, PM_{2.5}, or SO₂.

In accordance with 40 CFR 52.21(l), CEMEX's estimates of ambient concentrations are based on applicable air quality models, databases, and other requirements specified in the EPA's Guideline on Air Quality Models as well as the EPA's relevant air quality modeling policy and guidance.

In accordance with 40 CFR 52.21(m), CEMEX provided an analysis of existing ambient air quality in the area that the net emissions increase due to the major modification of the Wampum Cement Plant would affect which included existing representative ambient monitoring data for NO₂, PM₁₀, PM_{2.5}, and SO₂. CEMEX should be exempted from the requirements of 40 CFR 52.21(m) for CO, PM, and H₂SO₄.

In accordance with 40 CFR 52.21(n), CEMEX provided all information necessary to perform the air quality analyses required by the PSD regulations, including all dispersion modeling data necessary to estimate the air quality impacts of the net emissions increase due to the major modification of the Wampum Cement Plant.

In accordance with 40 CFR 52.21(o), CEMEX provided additional impact analyses of the impairment to visibility, soils, and vegetation that would occur as a result of the major modification of the Wampum Cement Plant and general commercial, residential, industrial, and other growth associated with the major modification of the Wampum Cement Plant.

In accordance with 40 CFR 52.21(p), written notice of CEMEX's proposed major modification of the Wampum Cement Plant has been provided to the Federal Land Managers of nearby Federal Class I areas and included information relevant to the initial screening calculations necessary to demonstrate that emissions from the Wampum Cement Plant would not adversely impact air quality related values and visibility in nearby Federal Class I areas.

In accordance with the public notice requirements in 25 Pa. Code § 127.45(b)(4), the degree of Class II and Class I PSD increment consumption expected to result from the operation of CEMEX's Wampum Cement Plant is provided in the following tables:

Table 1. Degree of Class II PSD Increment Consumption from Operation of CEMEX's Wampum Cement Plant

<i>Pollutant</i>	<i>Averaging Time</i>	<i>Degree of Class II PSD Increment Consumption</i>		<i>Class II PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class II PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 2.32610	< 9.31 %	25
PM ₁₀	24-hour	< 18.33741	< 61.13 %	30
	Annual	< 3.16609	< 18.63 %	17
PM _{2.5}	24-hour	< 8.91400	< 99.05 %	9
	Annual	< 1.49533	< 37.39 %	4
SO ₂	3-hour	< 5.09213	< 1.00 %	512
	24-hour	< 2.05792	< 2.27 %	91
	Annual	< 0.11361	< 0.57 %	20

Table 2. Degree of Class I PSD Increment Consumption from Operation of CEMEX's Wampum Cement Plant

<i>Pollutant</i>	<i>Averaging Time</i>	<i>Degree of Class I PSD Increment Consumption</i>		<i>Class I PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class I PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.00568	< 0.23 %	2.5
PM ₁₀	24-hour	< 0.01376	< 0.18 %	8
	Annual	< 0.00094	< 0.03 %	4
PM _{2.5}	24-hour	< 0.12776	< 6.39 %	2
	Annual	< 0.00575	< 0.58 %	1
SO ₂	3-hour	< 0.18060	< 0.73 %	25
	24-hour	< 0.02713	< 0.55 %	5
	Annual	< 0.00150	< 0.08 %	2

This authorization is subject to State regulations including 25 Pa. Code Chapters 123, 124, 127, 129, 135, and 139. State standards for contaminants and sources may be superseded in by more stringent best available technology (BAT), best available control technology (BACT) and lowest achievable emission rate (LAER) requirements and determinations. The Department has determined that the proposed facility satisfies the applicable BAT, BACT, and LAER requirements.

This authorization is subject to New Source Review (NSR) requirements of 25 Pa. Code Chapter 127, Subchapter E for NO_x and VOC. These air contaminants, NO_x and VOC, are subject to LAER requirements. Prior to commencing operation, CEMEX will be required to secure 988 tons of NO_x and 53 tons of VOC emission reduction credits (ERCs) in order to offset emission increases from this air contaminant.

This authorization is also subject to Federal New Source Performance Standards (NSPS) including: 40 CFR 60 Subpart A—General Provisions; 40 CFR 60 Subpart F—Standards of Performance for Portland Cement Plants; 40 CFR 60 Subpart Y—Standards of Performance for Coal Preparation and Processing Plants; and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE); and the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) including: 40 CFR 63 Subpart A—General Provisions; 40 CFR 63 Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry; and 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Other applicable Federal regulations include 40 CFR Parts 52—Approval and Promulgation of Implementation Plans (specifically 40 CFR 52.21—Prevention of Significant Deterioration of Air Quality), and 40 CFR Part 68—Chemical Accident Prevention Provisions, as applicable. The Department has elected to require the reporting of greenhouse gas (GHG) emissions for all sources under 25 Pa. Code § 127.12b as GHG are now a regulated pollutant under the Clean Air Act.

Plan approval conditions will include source specific and facility-wide emission limitations, operational restrictions, compliance testing and monitoring requirements, work practice standards, associated recordkeeping, reporting, and other additional requirements.

Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a Title V Operating Permit (TVOP) application in accordance with 25 Pa. Code 127 Subchapters F and G.

In accordance with 25 Pa. Code § 127.44(c), the proposed plan approval will be submitted to the U.S. Environmental Protection Agency (EPA) and any affected states for comment. Additional notice will be published in the local newspaper.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

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 Northwest 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). A protest shall include the following:

- The name, address and telephone number of the person filing the protest;
- Identification of the proposed plan approval issuance being opposed (Plan Approval 37-00013G); and
- A concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections 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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Telephone 814-332-6940.

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

Intent to Issue Title V Operating Permits 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 West Third Street, Williamsport, PA 17701.

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

55-00023: Kerrico Corporation, 2254 Route 522, Selinsgrove, PA 17870, to issue a renewal Title V operating permit for their facility located in Penn Township, **Snyder County**. The facility is currently operating under Title V Operating Permit 55-00023. The facility's sources include twelve (12) natural gas-fired space heaters, a gelcoat spray operation, a cast resin operation, a cleanup operation and a mold prep operation. The facility has the potential to emit 2.07 tons of nitrogen oxides (NO_x) per year, 0.92 ton of carbon monoxide (CO) per year, 38.53 tons of volatile organic compounds (VOCs) per year, 12.17 tons of particulate matter (PM, including PM₁₀) per year, 37.55 tons of hazardous air pollutants and 10.00 tons of acetone. No emission or equipment changes are being proposed by this action. The emission limits, throughput limitations 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 Subpart WWW of 40 CFR Part 63 and 25 Pa. Code Article III, 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.

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

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

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

40-00143: Bekaert Corp., 165 New Commerce Blvd., Wilkes-Barre, PA 18706-1448. The Department intends to

issue a State-Only (Natural) Minor Permit for the operation of steel wire and related products facility in Hanover Township, **Luzerne County**. The sources at this facility consist of a sander and steel wire draw machines. The control devices consist of collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00096: DMS Shredding Inc./Hanover, 9 Fellows Ave, Hanover Township, PA 18706-5231. The Department intends to issue a State-Only (Natural) Minor Permit for the operation of a metals service center and offices facility in Hanover Township, **Luzerne County**. The sources at this facility consist of a light iron metal shredder with attached cyclone. The control device consists of a venturi scrubber. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

64-00006: Hanson Aggregates PA LLC, Lake Twp Asphalt Plant, 7600 Imperial Way, Allentown, PA 18195-1016. The Department intends to issue a State-Only (Synthetic) Minor Permit for the operation of an asphalt paving mixtures and blocks facility in Lake Township, **Wayne County**. The sources at this facility consist of a batch hot mix asphalt plant, hot oil heaters, and a rap system. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00130: EBC Holdings, 159 George Ave., Wilkes-Barre, PA 18705-3028. The Department intends to issue a State-Only (Natural) Minor Permit for the animal crematory facility in Dupont Borough, **Luzerne County**. The sources at this facility consist of one (1) crematory incinerator. The control device consists of an afterburner. The source is considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00052: New Enterprise Stone & Lime Co., Ormrod Plant, 3724 Crescent Ct W, Ste 200, Whitehall, PA 18052-3446. The Department intends to issue a State-Only (Synthetic) Minor Permit for the asphalt paving mixtures and blocks facility in North Whitehall Township, **Lehigh County**. The sources at this facility consist of an asphalt plant, screens, crushers, conveyors, and two (2) IC engines. The control devices consist of a baghouse and a water spray system. The sources are considered minor emission sources of nitrogen oxide

(NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00017: Hanson Aggregates PA LLC, Stroudsburg Quarry, 7600 Imperial Way, Allentown, PA 18195-1016. The Department intends to issue a State-Only (Natural) Minor Permit for the operation of a crushed and broken limestone facility in Hanover Township, **Monroe County**. The sources at this facility consist of crushers, a parts washer, and a waste oil furnace. The control devices consist of a baghouse and wet suppression system. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

38-05034: Bluescope Building North America, Inc., 400 North Weaver Street, Annville, PA 17003, to issue a State Only Operating Permit for the steel fabrication facility located in Annville Township, **Lebanon County**. The subject facility's surface coating emissions will be controlled by a dry filter bank. The facility's 2020 actual air emissions are estimated at 26.66 tpy VOCs. The emergency generator is subject to MACT 40 CFR Part 63 Subpart ZZZZ. 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.

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

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

30-00112: Equitrans LP, Mt. Morris Compressor Station, 625 Liberty Avenue, Suite 1700, Equitrans Plaza, Pittsburgh, PA 15222, to issue a State Only Operating Permit for the operation of the natural gas compressor station in Dunkard Township, **Greene County**. Potential emissions from the facility are estimated as the following: CO—2.35 tpy, NO_x—5.62 tpy, PM₁₀—0.01 tpy, SO₂—0.00 tpy and VOC—10.03 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with applicable air quality regulations. Among other requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file

review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00480) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

65-00912: The AMES Co., Inc./Champion Facility, 465 Railroad Ave., Camp Hill, PA 17011-5611. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a renewal State-Only Operating Permit (Natural Minor) for a sawmill operations facility, located in Donegal Township, **Washington County**.

The AMES Co. operates a 12.87 MMBtu/HR wood-fired boiler, an oil-fired boiler, a dimension mill, and wood surface coating operations. The control devices are dust collectors and a multi-clone collector. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements. The boilers are subject to the NESHAPs in 40 CFR 63 Subpart JJJJJ.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00912) and a concise statement regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspa-

per or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

All comments must be received prior to the close of business 30 days after the date of this publication.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

63-00643: Ametek, Inc., North Strabane Plant, 1085 Route 519, Eighty-Four, PA 15330-2813. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a renewal State-Only Operating Permit (Natural Minor) to Ametek, Inc. to authorize the operation of their metal powder manufacturing facility in North Strabane Township, **Washington County**.

The facility is comprised of rotary dryer units, water atomization processes, an alumina grinder, and an emergency generator. The control devices are dust collectors and cyclones. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00643) and a concise statement regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

All comments must be received prior to the close of business 30 days after the date of this publication.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

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

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

25-00891: Corry Fabrication, LLC, 21 Maple Avenue, Corry, PA 16407-1630, the Department intends to issue the renewal of the Synthetic Minor Permit to operate a manufacturing facility for metal office furniture and miscellaneous metal parts in the City of Corry, **Erie County**. The emitting sources include liquid and powder coating paint booths, ovens, laser cutters, a boiler, and a degreaser unit. With the removal of Source 107 (liquid paint Booths # 1, # 2, and # 4) which were replaced by powder coating booths, the facility has reduced VOC emissions and is no longer a synthetic minor. The application indicates the Potential emissions are: 8.0 TPY PM₁₀; 0.6 TPY PM_{2.5}; 0.05 TPY SO_x; 8.4 TPY NO_x; 46.4 TPY VOC; 7.1 TPY CO; and 0.9 TPY HAPs. The actual 2021 emissions were: 0.78 TPY PM₁₀; 0.07 TPY PM_{2.5}; 0.38 TPY VOC; 0.01 TPY SO_x; 0.98 TPY NO_x; 0.82 TPY CO; and 0.01 TPY HAPs. The facility is subject to applicable VOC content limits, recordkeeping, and work practices of 25 Pa. Code §§ 129.52a and 129.52d for surface coating.

37-00012: Lindy Paving, Inc., Hillsville Asphalt Plant, 4877 West State Street, Edinburg, PA 16116, the Department intends to issue the renewal State-Only Operating Permit of a batch mix asphalt plant located in Mahoning Township, **Lawrence County**. To keep its CO emissions below the 100-TPY major source threshold and be Synthetic Minor for permitting purposes, the facility elected to be subject to a 495,000-TPY production limit. In this renewal, a portable recycled asphalt pavement (RAP) screen plant and an associated diesel engine are incorporated as permitted sources. Provisions on source test submittals based on latest instructions from Source Testing Section are added. Permit conditions based on an approved Request For Determination (RFD) are removed. With monthly HMA throughputs already reported in annual emissions inventory reports, an annual reporting on HMA throughput is removed.

**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. 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 the Department 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 the Department 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.

Coal Applications

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

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

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

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).

Mining Permit No. 56111601. NPDES No. PA0236098. Laurel Prep Plant LLC, 1501 Ligonier Street, Latrobe, PA 15650, to revise the permit and related NPDES Permit for site plan revisions, permit acreage swap, erosion and sedimentation control plan revisions, additional pond (P-1A), reclamation plan revisions, GP-4 application, and variance request for stream outfall structures in Shade Township, **Somerset County**. Application received: December 27, 2021.

Mining Permit No. 32031301. NPDES No. PA0235580. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit for permitting of a degassing borehole into existing mine workings and to install a rock dust borehole, a power borehole, and a communication borehole in White and Center Townships, **Indiana County**, affecting 3.2 proposed surface acres. Application received: February 4, 2022.

Mining Permit No. 63831302. NPDES No. PA0213608. The Washington County Coal Company, 46226 National Road, St. Clairsville, OH 43950, to renew the permit and related NPDES Permit in Somerset Township, **Washington County**. Application received: March 25, 2022.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, RA-EP CAMBRIA@pa.gov (Contact: Melanie Ford-Wigfield).

Mining Permit No. 32160101. NPDES No. PA0279498. P&N Coal Co., Inc., P.O. Box 332, Punxsutawney, PA 15767, renewal for reclamation only of a bituminous surface mine in Banks and Burnside Townships, **Indiana and Clearfield Counties**, affecting 82.3 acres. Receiving streams: unnamed tributaries to Cush Creek, classified for the following use: CWF. Application received: April 14, 2022.

Mining Permit No. 05110101. NPDES No. PA0263231. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, renewal for reclamation only of a bituminous surface and auger mine in Broad Top Township, **Bedford County**, affecting 216 acres. Receiving streams: Shreves Run and Longs Run classified for the following use: WWF. The receiving streams are included in the Six Mile Run and Longs Run TMDL. Application received: April 19, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov (Contact: Ashley Smith).

Mining Permit No. 17060113. Black Cat Coal, LLC, 446 Wm. Cemetery Road, Curwensville, PA 16833. Permit renewal application for a bituminous surface coal mine permit located in Brady Township, **Clearfield County**, affecting 60.9 acres. The renewal is for reclamation only. Receiving stream(s): Unnamed tributaries to Limestone Run and unnamed tributaries to Stump Creek classified for the following use(s): CWF. Application received: April 15, 2022.

Mining Permit No. 17910114. NPDES Permit No. PA0206628. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847. Permit renewal application for a bituminous surface coal mine and associated NPDES permit located in Karthaus Township, **Clearfield County**, affecting 4.0 acres. Remaining mining activities consist only of operation and maintenance of a post-mining mine drainage water treatment system. Receiving stream(s): UNT to Dutch Hollow Run classified for the following use(s): HQ-CWF, MF. Application received: April 11, 2022.

Mining Permit No. 17140102. NPDES Permit No. PA0269689. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, transfer of an existing bituminous surface and auger coal mine permit located in Burnside Township, **Clearfield County**, affecting 247.9 acres. Transfer of permit from River Hill Coal Company, Inc. Receiving stream(s): Deer Run and Unnamed Tributaries to Deer Run classified for the following use(s): CWF, MF. Application received: April 11, 2022.

Mining Permit No. 17140102. NPDES Permit No. PA0269689. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, an application for major revision to construct and maintain a new stream crossing for an existing bituminous surface and auger coal mine permit located in Burnside Township, **Clearfield County**, affecting 247.9 acres. Receiving stream(s): Deer Run and Unnamed Tributaries to Deer Run classified for the following use(s): CWF, MF. Application received: April 11, 2022.

Noncoal Applications

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

Table 2

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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov (Contact: Ashley Smith).

Mining Permit No. 4773SM3. NPDES Permit No. PA0207101. Hanson Aggregates Pennsylvania, LLC, 7660 Imperial Way, Allentown, PA 18195, Renewal of an NPDES permit associated with a large noncoal (industrial minerals) mining site located in Limestone Township, **Lycoming County**, affecting 321.7 acres. Receiving stream(s): Antes Creek classified for the following use(s): CWF, MF. Application received: April 21, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed 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 (Department) 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 the Department 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.

Additional criteria

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan, and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Submittal of comments

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit notice within 30-days of this notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and phone number of the writer and a concise statement to inform the Department of the basis of a comment and the relevant facts upon which it is based.

Requests or petitions for a public hearing on any NPDES permit applications will be accepted as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, phone number and the interest of the party filing the request and state the reasons why a hearing is warranted. The Department may hold a public hearing if the public interest is significant. 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. The Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).

NPDES No. PA0236080. Mining Permit No. 33071301. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, renewal of the NPDES permit in Snyder Township, **Jefferson County**, affecting 35.6 surface acres and 1,735.0 underground acres related to a coal mining activity permit. Receiving streams: East Branch Walburn Run, classified for the following use: CWF, Little Toby Creek TMDL. Application received: January 31, 2022.

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

The proposed effluent limits for *Outfall 001* discharging to East Branch Walburn Run are:

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for *Outfall 002* discharging to Tributary 50323 to Each Branch Walburn Run are:

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, RA-EP CAMBRIA@pa.gov (Contact: Melanie Ford-Wigfield).

NPDES No. PA0268917. Mining Permit No. 1120101. E. P. Bender Coal Company, Inc., P.O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit in White Township, **Cambria County**, affecting 92 acres related to a coal mining activity permit. Receiving streams: unnamed tributary to/and Dutch Run, classified for the following use: CWF. The receiving streams are included in the Clearfield TMDL. Application received: March 30, 2022.

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

The following outfalls discharge to UNT to Dutch Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate (MGD)</i>
002 (TF2)	Existing	Treatment Facility	0.045
004 (SP2)	Existing	Sediment Pond	0.215

The following outfalls discharge to Dutch:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate (MGD)</i>
003 (SP1)	Existing	Sediment Pond	0.215
005 (SP3)	Existing	Sediment Pond	0.215

The proposed effluent limits for the previously listed outfall(s) 002—005 discharging to UNT to/and Dutch Run are as follows:

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

Noncoal NPDES Draft Permits

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, RA-EPNEWSTANTON@pa.gov (Contact: Tracy Norbert).

NPDES No. PA0591963. Mining Permit No. 3372SM25A. Hanson Aggregates Pennsylvania LLC, 2200 Springfield Pike, Connellsville, PA 15425, NPDES permit renewal at a surface noncoal mine in Bullskin Township, **Fayette County**, affecting 451.8 acres. Receiving stream(s): UNTs to Breakneck Run and Breakneck Run, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Municipal Authority of Westmoreland County—McKeesport (PWS 5020025) on the Youghiogheny River. The Department has made a tentative determination to impose effluent limitations, within the ranges specified. Application received: March 13, 2020.

The following stormwater outfalls discharge to UNTs to Breakneck Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Stormwater Outfall
002	N	Stormwater Outfall
003	N	Stormwater Outfall
004	N	Stormwater Outfall
005	N	Stormwater Outfall
006	N	Stormwater Outfall
010	N	Stormwater Outfall
012	N	Stormwater Outfall

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

<i>(Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
Specific Conductance (µmhos/cm)		Monitor and Report	
Sulfate (mg/L)		Monitor and Report	
<i>(<10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	-	-	7.0
Total Manganese (mg/L)	-	-	5.0
Total Aluminum (mg/L)	-	-	5.0
Total Settleable Solids (ml/L)	-	-	0.5
Specific Conductance (µmhos/cm)		Monitor and Report	
Sulfate (mg/L)		Monitor and Report	

Alkalinity must be greater than acidity at all times.

pH must be between 6.0 and 9.0 S.U. at all times.

The following stormwater outfalls discharge to Breakneck Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
007	N	Stormwater Outfall
008	N	Stormwater Outfall
009	N	Stormwater Outfall

The proposed effluent limits for Outfall 007 for all weather conditions are as follows:

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	1.25	2.50	3.13
Total Suspended Solids (mg/L)	35	70	90

<i>(All Weather Conditions)</i> Parameter	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/L)		Monitor and Report	
Alkalinity must be greater than acidity at all times.			
pH must be between 6.0 and 9.0 at all times.			

The proposed effluent limits for Outfall 008 for all weather conditions are as follows:

<i>(All Weather Conditions)</i> Parameter	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	1.90	3.80	4.75
Total Suspended Solids (mg/L)	35	70	90
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/L)		Monitor and Report	
Alkalinity must be greater than acidity at all times.			
pH must be between 6.0 and 9.0 at all times.			

The proposed effluent limits for Outfall 009 for all weather conditions are as follows:

<i>(All Weather Conditions)</i> Parameter	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	1.31	2.62	3.28
Total Suspended Solids (mg/L)	35	70	90
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/L)		Monitor and Report	
Alkalinity must be greater than acidity at all times.			
pH must be between 6.0 and 9.0 at all times.			

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. 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. Persons 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 Department may conduct 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.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may

contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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)).

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E1501222-001, Raj Real Estate, LLC, 81 Margil Farm Drive, Downingtown, PA 19335, West Whiteland Township, **Chester County,** ACOE Philadelphia District.

To rehabilitate and maintain the existing retail shopping to accommodate more floor space over the small wetland area (PEM) associated with expansion of the Grocery Outlet to serve the local community needs. The expansion will include the parking area and the storm water facility. Total wetland impact will be 0.013 acre.

The site is located 4 Tabas Lane, Exton (Malvern, PA USGS Quadrangle, Latitude: 40.027882; Longitude: -75.617276) in West Whiteland Township, Chester County.

Permit No. E4601122-007, Pennsylvania Department of Transportation, Engineering District 6-0 (PennDOT District 6-0), 7000 Geerdes Boulevard, King of Prussia, PA 19406, Marlborough Township, **Montgomery County,** ACOE Philadelphia District.

PennDOT District 6-0 is proposing to construct and maintain a 35-foot-long, 48-inch diameter RCP culvert

directly adjacent to an existing 35-inch-long 48-inch diameter RCP culvert carrying an unnamed tributary to Macoby Creek (TSF-MF) to increase hydraulic capacity during storm events resulting in 40 linear feet (400 square feet) of permanent watercourse impact. This activity also includes the placement riprap rock stabilization at both ends of the culverts.

This project is located on Hoppenville Road Drive in Marlborough Township, Montgomery County (USGS PA Perkiomenville Quadrangle—Latitude 40.356016 N, Longitude 75.460042 W).

Permit No. E5101122-004, Pennsylvania Department of Transportation, Engineering District 6-0 (PennDOT District 6-0), 7000 Geerdes Boulevard, King of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

PennDOT District 6-0 is proposing to remove the existing I-95 cap at Penn's Landing, and in its place, construct and maintain an expanded cap from South Front Street over I-95 and Christopher Columbus Boulevard, between Chestnut and Walnut Streets. This activity is located within the 100-year floodplain of the Delaware River (WWF) resulting in 750,103 square feet (17.22 acres) of temporary floodplain impact due to demolition, construction, staging, and Erosion and Sedimentation controls and 64,469 square feet (1.48 acres) of permanent floodplain impact due to the construction and maintenance of the newly constructed piers and dividing barrier along I-95. The overall I-95 Central Access Philadelphia Project (I-95 CAP) also includes the placement of fill (E5101122-005) from the retaining wall at Christopher Columbus Boulevard to the waterfront and the extension of the South Street Pedestrian Bridge (E5101122-006).

This project is located at Penn's Landing in Philadelphia County (USGS PA Philadelphia Quadrangle—Latitude 39.94758 N, Longitude 75.141914 W).

Permit No. E5101122-005, Pennsylvania Department of Transportation, Engineering District 6-0 (PennDOT District 6-0), 7000 Geerdes Boulevard, King of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

PennDOT District 6-0 is proposing to demolish the great plaza superstructure and columns at Penn's Landing, and in its place, the construction and maintenance of retaining walls and the placement of 3,100 cubic yards of fill to bring the area to grade for the installation of topside amenities and is located within the 100-year floodplain of the Delaware River (WWF). This activity will result in 391,068 square feet (9.0 acres) of temporary floodplain impact due to demolition, construction, staging, and Erosion and Sedimentation controls and 265,248 square feet (6.1 acres) of permanent floodplain impact due to newly constructed retaining walls and placement of fill. As part of the overall I-95 Central Access Philadelphia Project (I-95 CAP), the fill area will transition from the proposed cap structure over I-95 and Christopher Columbus Boulevard (E5101122-004) to the existing esplanade area along the Delaware River. The I-95 CAP project also includes the extension of the South Street Pedestrian Bridge (E5101122-006).

This project is located at Penn's Landing in Philadelphia County (USGS PA Philadelphia Quadrangle—Latitude 39.945328 N, Longitude 75.14174 W).

Permit No. E5101122-006, Pennsylvania Department of Transportation, Engineering District 6-0 (PennDOT District 6-0), 7000 Geerdes Boulevard, King

of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

PennDOT District 6-0 is proposing to extend the existing South Street Pedestrian Bridge which currently terminates at a staircase in a parking lot between I-95 and Christopher Columbus Boulevard. The proposed bridge will extend the South Street Pedestrian Bridge over Christopher Columbus Boulevard and is located within the 100-year floodplain of the Delaware River (WWF). The placement of 150 cubic yards of fill is proposed and is associated with the construction and maintenance of the piers and bridge touchdown areas. This activity will result in 471,096 square feet (10.8 acres) of temporary floodplain impact due to demolition, construction, staging, and Erosion and Sedimentation controls and 9,078 square feet (0.21 acre) of permanent floodplain impact due to piers and bridge touchdown areas located adjacent to Lombard Circle. The overall I-95 Central Access Philadelphia Project (I-95 CAP) also includes the proposed cap structure over I-95 and Christopher Columbus Boulevard (E5101122-004) and the fill are transitioning from Columbus Boulevard to the existing esplanade area along the Delaware River (E5101122-005) at Penn's Landing.

This project is located at South Street Pedestrian Bridge in Philadelphia County (USGS PA Philadelphia Quadrangle—Latitude 39.940899 N, Longitude 75.143222 W).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

E3803222-001: North Londonderry Township, 655 East Ridge Road, Palmyra, PA 17078-9312, in North Londonderry and South Annville Townships, **Lebanon County**, U.S. Army Corps of Engineers Baltimore District.

To regrade and maintain the streambanks along 1,050 linear feet of Killinger Creek (TSF, MF), impacting 0.02 acre of palustrine emergent wetlands, all for the purposes of protecting a sanitary sewer collection main from lateral migration of Killinger Creek, to enhance the stream's ability to manage flood flows, and to reduce sediment loading to the stream. The project is located immediately south of the Benjamin Franklin Highway (Latitude: 40.319826° N; Longitude: 76.55470° W) in North Londonderry and South Annville Townships, Lebanon County. Wetland impacts are de minimus and replacement is not required.

E6703222-001: Dover Township, 2480 West Canal Road, Dover, PA 17315-3410, Dover Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain 1,615 linear feet of walking trail path and an outdoor classroom platform in the floodway/floodplain of Unnamed Tributaries to Fox Fun (TSF, MF), permanently impacting 0.34 acre of floodway, temporarily impacting 0.22 acre of floodway, permanently impacting 0.26 acre of 100-year floodplain, and temporarily impacting 0.11 acre of 100-year floodplain, all for the purpose of making park improvements and to showcase riverine resources. The project is located at Eagle View Park in Dover Township, York County (Latitude: 39.9952; Longitude: -76.8504).

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000 Contact: Dana Drake.

E0205221-022, City of Pittsburgh, Department of Mobility and Infrastructure, City-County Building,

414 Grant Street, Room 215B, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**; Pittsburgh ACOE District.

The applicant is proposing to amend the existing Permit No. E02-1794, which authorized:

The permittee to construct and maintain grouted and non-grouted rock bank protection, the construction of modular concrete jumbo blocks and gabion walls along 955 linear feet of Streets Run (WWF), and to remove gravel bars and nonnative materials from the stream bed along 1,000 linear feet of Streets Run, for the purpose of improving bank stability and stream flood conditions within Streets Run.

This amendment is seeking authorization for the following to undertake the following corrective actions and mitigation efforts intended to resolve open violations associated with work conducted under E02-1794 to:

1. Dredge approximately 30 linear feet of Streets Run (WWF) to remove an approximate 0.1-acre gravel bar under Calera Street bridge;

2. Construct and maintain 20 LF of stream bank stabilization, using R-6 riprap and grout upon completion of gravel bar removal, along the right descending bank of this same stream, under Calera Street bridge;

3. Construct and maintain 100 LF of stream bank stabilization, using R-6 riprap and grout along the right descending bank of this same stream, adjacent to Calera Street;

4. Construct and maintain 145 LF of stream bank stabilization using R-7 riprap and grout along the left descending bank of this same stream, adjacent to Calera Street;

5. Construct and maintain 36 LF of stream bank stabilization, using R-7 riprap and grout along the left descending bank of this same stream near the intersection of Baldwin Road and Ramp Street; and

6. Remove nonnative debris and concrete slabs with dimensions exceeding 2.5-feet from this same stream channel, within the entire 1,450 LF project area to improve in-stream flow.

For the purpose of implementing corrective actions for construction activities that were conducted under Permit No. E02-1794, and to prevent the sloughing and erosion of stream bank material, and to provide stream bank stabilization near residential and commercial structures during flood events. Due to the aforementioned areas overlapping, the project will cumulatively result in 1,450 LF of permanent impacts to Streets Run. The project site is located 250 ft south of the intersection of Mifflin Road and Baldwin Rd (Pittsburgh East, PA USGS topographic quadrangle; N: 40.382875°; W: -79.93295°; Sub-basin 19A; USACE Pittsburgh District), in the City of Pittsburgh, Allegheny County.

E2605122-002, PennDOT District 12-0, 825 North Gallatin Avenue Ext, Uniontown, PA 15401, Luzerne Township, **Fayette County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing, 9.9' wide, 8' high, 37.54' long, slab bridge, and to construct and maintain a replacement, 12' wide, 8' high, 60.06' long Precast Concrete Box Culvert, with end sections, in Rush Run (WWF), and to construction and maintain stream bank protection along 43 LF on the upstream side, and along 5 LF on the downstream side, of the proposed culvert. Cumulatively,

the project will have a permanent impact of 140 LF, and a temporary impact of 170 LF, on Rush Run (WWF).

For the purpose of replacing the structure carrying S.R. 4001 over Rush Run (WWF).

The project site is located near the intersection of Labelle Road and Rush Run Road (Carmichaels, PA USGS topographic quadrangle; N: 39° 59', 33.2097"; W: 79° 56', 7.7047"; Sub-basin 19C USACE; Pittsburgh District), in Luzerne Township, Fayette County.

E2605221-002, Kevin Sweeney, 779 Enon Church Road, West Finley, PA 15377, German Township, **Fayette County**, Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain a new T-shaped dock (55-ft long x 8-ft wide, extending 20-ft into the river) including dredging (approximately 65-ft x 30-ft) of the Monongahela River (WWF) in the vicinity of the proposed dock for the purpose of creating a small recreational dock. The project will permanently affect 65 LF of the Monongahela River and temporarily impact 120 LF of the floodway. The project is located near 231 River Street, Adah, PA 15410 (Masontown, PA USGS topographic quadrangle; Latitude: 39° 54' 47.3614"; Longitude: -79° 55' 32.8817"; Subbasin 19C; ACOE: Pittsburgh District), in German Township, Fayette County.

E6305221-010, Rivendale Farms Pittsburgh, LLC, 1357 Valleyview Road, Bulger, PA 15019, Robinson Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Operate and maintain a 20-foot long, 36-inch diameter smooth lined corrugated plastic pipe (SLCPP) culvert within an unnamed tributary (UNT) to Little Raccoon Run (WWF);

2. Operate and maintain a 22-foot long, 48-inch diameter SLCPP culvert at another location within the preceding UNT;

3. Modify an existing dam in the preceding UNT, by lowering the dam height to 2.3 feet. The dam is located in a stream not exceeding 50 feet in width;

4. Operate and maintain a pond across the preceding UNT. The pond has an approximate area of 0.06 acre and a maximum storage volume of 6,071 cubic feet behind the aforementioned dam;

5. Operate and maintain a 25-foot long, 8-foot wide wooden bridge with a gravel surface across a second UNT to Little Raccoon Run (WWF);

6. Operate and maintain a 30-foot long, 9-foot wide wooden bridge with a gravel surface at another location across the preceding UNT;

7. Operate and maintain a 25-foot long, 8-foot wide wooden bridge with a gravel surface at another location across the preceding UNT;

8. Operate and maintain a 6-inch diameter PVC outfall structure at another location within the preceding UNT, which serves as an underdrain for the adjacent flat vegetated area;

9. Operate and maintain a 25-foot long, 10-foot wide wooden bridge with a gravel surface across Little Raccoon Run;

10. Operate and maintain a 25-foot long, 18-inch diameter SLCPP culvert within a third UNT to Little Raccoon Run (WWF), which has a drainage area less than 100 acres;

11. Operate and maintain a 99-foot long, 15-inch diameter SLCPP culvert at another location within the preceding UNT;

12. Construct, operate, and maintain a 42-foot long, 21-foot wide concrete bridge at another location across Little Raccoon Run (WWF);

13. Construct, operate, and maintain an outfall structure within the floodway of Little Raccoon Run, consisting of a 15-foot by 19-foot R-4 riprap apron, in association with the construction of a stormwater management pond;

For the purpose of providing property access for farm equipment and livestock. Cumulatively, the project will permanently impact 282 linear feet of stream, temporarily impact 732 linear feet of stream, permanently impact 0.12 acre of floodway, and temporarily impact 0.86 acre of floodway. The project site is located at 1357 Valleyview Road (Clinton, PA USGS topographic quadrangle; N: 40°, 24', 2"; W: -80°, 19', 27"; Sub-basin 20D; USACE Pittsburgh District), in Robinson Township, Washington County.

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

E2006222-003, Conneaut Township Supervisors, 6007 Carpenter Road, Conneautville, PA 16406. West Road Bridge Replacement Project, Conneaut Township, **Crawford County**, ACOE Pittsburgh District (USGS, PA Quadrangle N: 41°, 40', 35.13"; W: 80°, 25', 32.54").

To replace an existing bridge with a single span steel beam bridge with a laminated timber deck with a clear span of 63 feet and an average underclearance of 9.5 feet on West Road crossing Linesville Creek (WWF) in Conneaut Township, Crawford County.

E4306222-003, Greenville Sanitary Authority, 125 Main Street, Greenville, PA 16125-2701. Greenville Sanitary Authority Sewage Treatment Plant, Hempfield Township, **Mercer County**, ACOE Pittsburgh District (Mercer, PA Quadrangle N: 41°, 23', 9"; W: -80°, 23', 26").

Greenville Sanitary Authority is proposing to impact the 100-year floodplain to Shenango River and Mathay Run for improvements to the wastewater treatment plant located along Hamburg Road approximately 1 mile south of Rt 58, including new access drives, infrastructure replacement/upgrades, and converting the storage tanks to new process tanks, all resulting in approximately 0.7 acre of permanent floodplain impact and 0.1 acre of temporary floodplain impacts.

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.

Permit No. E5829222-003, Williams Field Services Company, LLC, 30351 Route 6, Wysox, PA 18854, Springville Township, **Susquehanna County**; ACOE, Baltimore District.

To construct, operate, and maintain:

1. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 6,720 square feet (0.15 acre) of palustrine emergent wetland (PEM) and 7,560 square feet (0.01 acre) of palustrine forested wetland (PFO) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 51", Long. -75° 51' 14");

2. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 5,598 square feet (0.13 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 44", Long. -75° 51' 30");

3. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 14,628 square feet (0.34 acre) of palustrine forested wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 45", Long. -75° 51' 56");

4. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 50 lineal feet of Pond Brook (CWF-MF) and 6,982 square feet (0.16 acre) of floodway (Hop Bottom, PA Quadrangle; Lat. 41° 40' 46", Long. -75° 51' 57");

5. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 8,511 square feet (0.20 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 46", Long. -75° 51' 58");

6. a temporary mat/bridge crossing impacting 478 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 47", Long. -75° 52' 02");

7. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 3,043 square feet (0.07 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 49", Long. -75° 52' 08");

8. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 8,442 square feet (0.19 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 47", Long. -75° 52' 29").

The approximate 8,125 lineal feet Lauer D. P1 Well Connect Pipeline natural gas gathering line project will convey natural gas from the Lauer D. P1 Well to the Garrison Road Loop Pipeline located in Springville Township, Susquehanna County. The project will result in 50 lineal feet of stream impacts, 0.16 acre (6,982 square feet) of floodway impacts, 0.75 acre (32,792 square feet) of PEM wetland impacts, and 0.51 acre (22,188 square feet) of PFO wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line for conveyance to market.

E0829222-011: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Litchfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. An access road impacting 4,182 square feet of a palustrine emergent (PEM) wetland. (Litchfield, PA Quadrangle, Latitude: 41.914749°, Longitude: -76.459613°);

2. An access road impacting 63 linear feet of an unnamed tributary to Spaulding Creek (WWF) and 5,448 square feet of floodway impacts to the same stream. (Litchfield, PA Quadrangle, Latitude: 41.913990°, Longitude: -76.458880°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 4,182 square feet (0.096 acre) of permanent wetland impacts, 2,533 square feet (0.058 acre) of permanent floodway impacts, 2,915 square feet of temporary floodway impacts, and 63 linear feet of permanent stream impacts all for the purpose of establishing a well pad for Marcellus well development in Litchfield Township, Bradford County. The permittee has committed 126 linear feet of watercourse credits from the Upper Susquehanna River Mitigation Bank Phase 1 and will provide 0.19 acre of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. 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. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. 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.

Important legal rights are at stake, however, so individuals should contact 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.

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 Actions on NPDES and WQM Permit Applications 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>
PAD400045	Chapter 102 Individual NPDES Permit	Issued	Bluecup Ventures Hazleton, LLC 20 Cedar Woods Lane Fairfield, CT 06825	Hazle Township Luzerne County	NERO
PA630001D	Chapter 102 Individual NPDES Permit	Issued	PA Turnpike Comm P.O. Box 67676 Harrisburg, PA 17106-7676	Cecil Township Washington County	SWRO
PAD090004	Chapter 102 Individual NPDES Permit	Issued	Cold Springs Investment Group LP 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7706	Yardley Borough Bucks County	SERO
PAD150222	Chapter 102 Individual NPDES Permit	Issued	Audubon Land Development Corp 2620 Egypt Road Norristown, PA 19403-2302	Uwchlan Township Chester County	SERO
PAD150236	Chapter 102 Individual NPDES Permit	Issued	Heathcote John 613 Street Matthews Road Chester Springs, PA 19425	West Vincent Township Chester County	SERO
PAD240012	Chapter 102 Individual NPDES Permit	Issued	Glenn O Hawbaker Inc. 1952 Waddle Road State College, PA 16803	Jones Township Elk County	NWRO
PA0289485	Industrial Stormwater Individual NPDES Permit	Issued	GKN Sinter Metals LLC 104 Fairview Road Kersey, PA 15846-2710	Fox Township Elk County	NWRO
0913851	Joint DEP/PFBC Pesticides Permit	Issued	Detweiler Lisa 1115 Strawntown Road Quakertown, PA 18951-5432	Haycock Township Bucks County	SERO
1522805	Joint DEP/PFBC Pesticides Permit	Issued	Traditions at Inniscrone 5 Christy Drive Chadds Ford, PA 19317	London Grove Township Chester County	SERO
2322803	Joint DEP/PFBC Pesticides Permit	Issued	Todd-Gher Amy 2009 Pintoresco Court Carlsbad, CA 92009	Chadds Ford Township Delaware County	SERO
2322804	Joint DEP/PFBC Pesticides Permit	Issued	Sacks Adam 1515 N Ridley Creek Road Media, PA 19063-2022	Upper Providence Township Delaware County	SERO
3722801	Joint DEP/PFBC Pesticides Permit	Issued	John Barnard 2948 Benjamin Franklin Highway Edinburg, PA 16116-4706	Mahoning Township Lawrence County	NWRO
3722802	Joint DEP/PFBC Pesticides Permit	Issued	John Miles 4101 Frew Mill Road Portersville, PA 16051-6305	Slippery Rock Township Lawrence County	NWRO
4522801	Joint DEP/PFBC Pesticides Permit	Issued	Ball Michael 63A Greenbriar North Bath, PA 18014	Middle Smithfield Township Monroe County	NERO
5622800	Joint DEP/PFBC Pesticides Permit	Issued	Hidden Valley Resort P.O. Box 307 Scotland, PA 17254-0307	Jefferson Township Somerset County	SWRO
6422801	Joint DEP/PFBC Pesticides Permit	Issued	Ortwine Bruce 119 Rose Road Lake Ariel, PA 18436-5599	Salem Township Wayne County	NERO
6513813	Joint DEP/PFBC Pesticides Permit	Issued	Rolling Rock Club P.O. Box 747 Ligonier, PA 15658-0747	Ligonier Township Westmoreland 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>
PAI132248	MS4 Individual NPDES Permit	Issued	Catasauqua Borough Lehigh County 90 Bridge Street Catasauqua, PA 18032-2563	Catasauqua Borough Lehigh County	NERO
PA0023108	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Elizabethtown Borough Lancaster County 600 S Hanover Street Elizabethtown, PA 17022-2522	Elizabethtown Borough Lancaster County	SCRO
PA0026654	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	New Cumberland Borough Cumberland County	SCRO
PA0043257	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	New Freedom Borough Authority York County 49 E High Street New Freedom, PA 17349-9665	New Freedom Borough York County	SCRO
2109402	Major Sewage Treatment Facility Individual WQM Permit	Issued	Mechanicsburg Borough Cumberland County 36 W Allen Street Mechanicsburg, PA 17055-6257	Mechanicsburg Borough Cumberland County	SCRO
PA0000809	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Aqua PA Inc. 665 S Dock Street Sharon, PA 16146-1835	Sharon City Mercer County	NWRO
PA0101800	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Lord Corp P.O. Box 1050 601 South Street Saegertown, PA 16433-1050	Saegertown Borough Crawford County	NWRO
PA0042161	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Bg275 Properties LLC 848 W North Avenue Pittsburgh, PA 15233-1617	Raccoon Township Beaver County	SWRO
PA0217506	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Borland Robert 116 Minter Road Butler, PA 16001-8559	New Sewickley Township Beaver County	SWRO
PA0239551	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Erin & Michael Cuprinka 1665 Big Bend Road Emlenton, PA 16373-7403	Scrubgrass Township Venango County	NWRO
PA0083470	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Paradise Township Sewer Authority Lancaster County 2 Township Drive P.O. Box 40 Paradise, PA 17562-9680	Paradise Township Lancaster County	SCRO

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<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>
PA0096318	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Robinson Township Municipal Authority Allegheny County 4200 Campbells Run Road Pittsburgh, PA 15205-1306	Robinson Township Allegheny County	SWRO
PA0209058	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Montour Township Columbia County 195 Rupert Drive Bloomsburg, PA 17815-9627	Montour Township Columbia County	NCRO
2173201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Comm Refuse Service, LLC 1000 New Ford Mill Road Morrisville, PA 19067-3704	Hopewell Township Cumberland County	SCRO
0476402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Bg275 Properties, LLC 848 W North Avenue Pittsburgh, PA 15233-1617	Raccoon Township Beaver County	SWRO
4790402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	PA DOT Bureau of Project Delivery Bureau of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Liberty Township Montour County	NCRO
4790403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	PA DOT Bureau of Project Delivery 400 North Street Floor 6 Harrisburg, PA 17120-0064	Liberty Township Montour County	NCRO
6797407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Jackson Township Sewer Authority York County 439 Roth Church Road Spring Grove, PA 17362-8872	Jackson Township York County	SCRO
NOEXSE021	No Exposure Certification	Issued	Streamlight Inc. 30 Eagleville Road Eagleville, PA 19403-1422	Lower Providence Township Montgomery County	SERO
PAR600013	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	JKL Auto Products & Srvcs, Inc. 2010 Ridge Road Telford, PA 18969-1614	Upper Salford Township Montgomery County	SERO
PAG096108	PAG-09 General Permit for Beneficial Use of Residential Septage	Issued	Piles Concrete Products Co. Inc. 115 Pickett Lane Friedens, PA 15541-7413	Somerset Township Somerset County	SWRO
PAG124845	PAG-12 NPDES General Permit for CAFOs	Issued	Maneval Dale 11203 Route 35 Mt Pleasant Mills, PA 17853-8476	West Perry Township Snyder County	SCRO
PAG124862	PAG-12 NPDES General Permit for CAFOs	Issued	Kucharski Robert R 9351 Route 414 Liberty, PA 16930-9505	Liberty Borough Tioga County	SCRO
PAG124865	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Irwin S 231 Brosius Hill Road Mt Pleasant Mills, PA 17853-8433	Perry Township Snyder County	SCRO

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<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>
PAG132271	PAG-13 NPDES General Permit for MS4s	Issued	Dalton Borough Lackawanna County 105 West Main Street Dalton, PA 18414	Dalton Borough Lackawanna County	NERO
3688468	Sewage Treatment Facilities Individual WQM Permit	Issued	Paradise Township Sewer Authority Lancaster County 2 Township Drive P.O. Box 40 Paradise, PA 17562-9680	Paradise Township Lancaster County	SCRO
4215401	Sewage Treatment Facilities Individual WQM Permit	Issued	Cobb Joshua 2365 W Washington Street Bradford, PA 16701-2448	Corydon Township McKean County	NWRO
6105401	Sewage Treatment Facilities Individual WQM Permit	Issued	Erin & Michael Cuprinka 1665 Big Bend Road Emlenton, PA 16373-7403	Scrubgrass Township Venango County	NWRO
1522401	Sewer Extensions Individual WQM Permit	Issued	West Goshen Sewer Authority Chester County 1025 Paoli Pike West Chester, PA 19380	West Goshen Township Chester County	SERO
6703403	Sewer Extensions Individual WQM Permit	Issued	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6703406	Sewer Extensions Individual WQM Permit	Issued	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6708406	Sewer Extensions Individual WQM Permit	Issued	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6798407	Sewer Extensions Individual WQM Permit	Issued	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6798409	Sewer Extensions Individual WQM Permit	Issued	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
PA0239682	Single Residence STP Individual NPDES Permit	Issued	Nastasi Philip 168 Pleasant Valley Road Portersville, PA 16051-2016	Muddycreek Township Butler County	NWRO
PA0260908	Single Residence STP Individual NPDES Permit	Issued	Wezesinski Kevin T & Wezesinski Elizabeth S 9499 Brogueville Road Felton, PA 17322-7900	Chanceford Township York County	SCRO
PA0261386	Single Residence STP Individual NPDES Permit	Issued	Calicchio Anthony 220 Shatto Drive Carlisle, PA 17013-0121	North Middleton Township Cumberland County	SCRO
PA0264164	Single Residence STP Individual NPDES Permit	Issued	Cobb Joshua 2365 W Washington Street Bradford, PA 16701-2448	Corydon Township McKean County	NWRO
PA0289434	Single Residence STP Individual NPDES Permit	Issued	Supports Inc. 21635 Star Rte Meadville, PA 16335-5581	Union Township Crawford County	NWRO

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<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>
PA0289558	Single Residence STP Individual NPDES Permit	Issued	Bowman Kerith 7323 New Road Edinboro, PA 16412-3609	Franklin Township Erie County	NWRO
PA0290254	Single Residence STP Individual NPDES Permit	Issued	Vancamp Amber 1421 Artline Road Eldred, PA 16731-4217	Eldred Township McKean County	NWRO
2021410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Supports Inc. 21635 Star Rte Meadville, PA 16335-5581	Union Township Crawford County	NWRO
2109406	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Calicchio Anthony 220 Shatto Drive Carlisle, PA 17013-0121	North Middleton Township Cumberland County	SCRO
2521415	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bowman Kerith 7323 New Road Edinboro, PA 16412-3609	Franklin Township Erie County	NWRO
4221405	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Vancamp Amber 1421 Artline Road Eldred, PA 16731-4217	Eldred Township McKean County	NWRO
6707408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Wezesinski Kevin T & Wezesinski Elizabeth S 9499 Brogueville Road Felton, PA 17322-7900	Chanceford Township York County	SCRO
WQG02482201	WQG-02 WQM General Permit	Issued	Nazareth Borough Municipal Authority Northampton County 872 Tatamy Road Nazareth, PA 18064-2562	Upper Nazareth Township Northampton County	NERO

II. Final Actions 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>
PAC510226 A-1 Major Amendment	PAG-02 General Permit	Issued	Elliott-Lewis Corporation 2900 Black Lake Place Philadelphia, PA 19154-1018	City of Philadelphia Philadelphia County	DEP, SERO Waterways & Wetlands 2 East Main Street Norristown, PA 19401 RA-EPWW-SERO@pa.gov
PAC510260	PAG-02 General Permit	Issued	Philadelphia Parks and Recreation 1515 Arch Street Philadelphia, PA 19102	City of Philadelphia Philadelphia County	DEP, SERO Waterways & Wetlands 2 East Main Street Norristown, PA 19401 RA-EPWW-SERO@pa.gov
PAC150285	PAG-02 General Permit	Issued	International Paper Company 6283 Tri-Ridge Blvd. Loveland, OH 45140	West Sadsbury Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC150289	PAG-02 General Permit	Issued	RAJ Real Estate LLC 81 Margil Farm Drive Downingtown, PA 19335	West Whiteland Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC150302	PAG-02 General Permit	Issued	East Whiteland Township 209 Conestoga Road Malvern, PA 19355	East Whiteland Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC090492	PAG-02 General Permit	Issued	50 W. Street Road Part, LP 50 W. Street Road Warminster, PA 18974-3203	Warminster Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090173	PAG-02 General Permit	Issued	900 York LLC 3048B Bristol Road Warrington, PA 18976-1411	Warminster Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090508	PAG-02 General Permits	Issued	Gasper Landscapes, Inc. 316 Tanyard Road Richboro, PA 18954-1024	Warwick Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC390170	PAG-02 General Permit	Issued	A.A.A.A. Construction, LLC 6616 Ruppsville Road Allentown, PA 18106	Catasauqua Borough Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PAC480096 A-1	PAG-02 General Permit	Renewal	Turkey Hill Minit Markets c/o Dawn Johnson EG-America, LLC 165 Flanders Road Westborough, MA 01581	Lehigh Township Northampton County	Northampton County Conservation District 14 Gracedale Avenue Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC010197	PAG-02 General Permit	Issued	60 Ram Drive, LP 115 Ram Drive Hanover, PA 17331	Conewago Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC360588	PAG-02 General Permit	Issued	620 Sycamore Drive Associates One Tower Bridge 100 Front Street Suite 560 West Conshohocken, PA 19428	West Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360699	PAG-02 General Permit	Issued	Sheldon Martin 1927 Reservoir Road Honey Brook, PA 19344	Caernarvon Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360673	PAG-02 General Permit	Issued	Warren Nolt 106 North Hershey Avenue Leola, PA 17540	West Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360707	PAG-02 General Permit	Issued	Michael Buckwalter 350 Rock Point Road Marietta, PA 17547	East Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360145	PAG-02 General Permit	Issued	Daniel Murphy 739 North Strickler Road Manheim, PA 17545	Pequea Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360038 A-1	PAG-02 General Permit	Issued	Millport Road LLC 511 Snyder Road Lititz, PA 17543	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360713	PAG-02 General Permit	Issued	Queen Street Development Partners 800 South Queen Street Lancaster, PA 17603	Lancaster City Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360698	PAG-02 General Permit	Issued	Lanmark Homes at Warwick Hill LLC 1737 West Main Street Ephrata, PA 17522	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360696	PAG-02 General Permit	Issued	Scott & Linda Witmer 786 Leed Hill Road Ephrata, PA 17522	Clay Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC360465 A-1	PAG-02 General Permit	Issued	Walton Farm Partners LLC 400 North Cedar Street Lititz, PA 17543	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
PAC040080	PAG-02 General Permit	Issued	Bettors Real Estate Holdings, LP 100 Bet-Tech Drive Aliquippa, PA 15001	Economy Borough Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC040117	PAG-02 General Permit	Issued	City of Aliquippa 581 Franklin Ave Aliquippa, PA 15001	City of Aliquippa Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC560064	PAG-02 General Permit	Issued	Richard Schoedel 4411 Run Road New Tripoli, PA 18066	Allegheny Township Somerset County	Somerset County Conservation District Somerset County AG Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC630198A-1	PAG-02 General Permit	Issued	Angelo Quarture 275 Johnson Road Canonsburg, PA 15317	Chartiers Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630242	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15107	East Bethlehem Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC200083	PAG-02 General Permit	Issued	Water Street Land, LLC 10748 South Water Street Extension Meadville, PA 16335	West Mead Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC250103A2	PAG-02 General Permit	Issued	Child Development Center, Inc. 702 Liberty Street Franklin, PA 16323	Erie City Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100259	PAG-02 General Permit	Issued	Hutton St 17, LLC 736 Cherry Street Chattanooga, TN 37402	Butler Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAG30001D	Individual Permit	Issued	PA Turnpike Comm P.O. Box 67676 Harrisburg, PA 17106-7676	Cecil Township Washington County	Regional Permit Coordination Office 400 Market Street Harrisburg, PA 17101 RA-EPREGIONAL PERMIT@pa.gov.

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should

be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. 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.

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).

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

Permit No., 4621512, Public Water Supply.

Applicant	Thomas Jefferson University Landsdale Hospital, Inc. 111 S. 11th Street Philadelphia, PA 19107
Township	Hatfield
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Klenzoid, Inc. 912 Spring Mill Avenue Conshohocken, PA 19428
Permit to Construct Issued	April 4, 2022

Permit No., 1521527, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Schuylkill
County	Chester
Type of Facility	PWS
Consulting Engineer	Installation of a chlorine dioxide generator and two (2) 4, 900-gallon 25% sodium storage tank (inside of an existing 12'x 30' building with containment) to serve both Pickering East and Pickering West Water Treatment Plants.
Permit to Construct Issued	March 7, 2022

Permit No., 1522502, Public Water Supply.

Applicant	Imperial MHP GSP Management Company P.O. Box 677 Morgantown, PA 19543
Township	West Caln
County	Chester
Type of Facility	PWS
Consulting Engineer	Amendment for modification to the distribution ph.

Permit to Construct Issued April 13, 2022

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.

Permit No. 4022503MA, Construction Permit, Public Water Supply.

Applicant	Penn State Wilkes-Barre Campus 44 University Dr. Dallas, PA 18612-5500
Municipality	Lehman Township
County	Luzerne
Type of Facility	Public Water Supply
Consulting Engineer	James K. Baird, P.E., BCEE Pennsylvania State University 209 Water Treatment Plant Building University Park, PA 16802-1118
Permit to Construct Issued	March 25, 2022
Description of Action	Penn State Wilkes-Barre Campus water tower refurbishment project punch-list work.

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

Permit No. 5619508, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	North Strabane Township
County	Washington
Type of Facility	Pump station
Consulting Engineer	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	March 30, 2022

Permit No. 0221522, Public Water Supply.

Applicant	West View Water Authority 210 Perry Highway Pittsburgh, PA 15229
Municipality	Franklin Park Borough
County	Allegheny
Type of Facility	Disinfection Byproduct Control (TTHMs)
Consulting Engineer	West View Water Authority 210 Perry Highway Pittsburgh, PA 15229
Permit Issued	April 22, 2022
Emergency Permit , Applicant	Public Water Supply. East Dunkard Water Authority 2790 South Eighty-Eight Road Dilliner, PA 15327

Municipality Dunkard Township
 County **Greene**
 Type of Facility Water Treatment Plant
 Description of Action Temporary use of a diaphragm pump for phosphate addition. Emergency permit needed to operate the plant and provide water to about 6,300 customers until a replacement pump can be obtained.

Permit Issued April 20, 2022
Permit No. 0221517, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 852 Wesley Drive
 Mechanicsburg, PA 17055

Municipality North Strabane Township
 County **Washington**
 Type of Facility Pump Station
 Consulting Engineer Pennsylvania American Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit Issued March 30, 2022
Permit No. 0222508MA, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 852 Wesley Drive
 Mechanicsburg, PA 17055

Municipality Burgettstown Borough
 County **Washington**
 Type of Facility Finished Water Storage
 Consulting Engineer Pennsylvania American Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit Issued April 20, 2022
Permit No. 0420508MA, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
 1425 Eighth Avenue
 Beaver Falls, PA 15010

Municipality Eastvale Borough
 County **Beaver**
 Type of Facility Filter Media Replacement
 Consulting Engineer Entech Engineering, Inc.
 400 Industry Drive
 Suite 200
 Pittsburgh, PA 15275

Permit Issued April 22, 2022
Permit No. 5622501RDT, Public Water Supply.

Applicant **Meyersdale Municipal Authority**
 215 Main Street
 Meyersdale, PA 15552

Municipality Meyersdale Borough
 County **Somerset**

Type of Facility 1-log Giardia Inactivation Calculations
 Permit Issued April 18, 2022

WATER ALLOCATIONS

Actions Taken on Applications Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

WA2-175E, Water Allocations. Borough of Sewickley Water Authority, P.O. Box 190, Sewickley, PA 15143, Sewickley Borough, **Allegheny County**. The right to withdraw a maximum of 1.6 million gallons of water per day from the Ohio River at the existing crib intake; a maximum of 0.82 million gallons of water per day from Well No. 1; and a maximum of 1.08 million gallons of water per day from Well No. 2; with the total combined use from all three sources not to exceed 1.87 million gallons of water per day, as a 30-day average.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the

appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787.

Contact: Charline Bass.

Chapel Block—The Navy Yard, 1200 & 1260 Normandy Place/125 Constitution Avenue, Philadelphia, PA 19112, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Jewelle Kennedy, Ensemble Investments LLC, 444 Ocean Boulevard, Suite 650, Long Beach, CA 90802 submitted a Baseline Remedial Investigation Work Plan concerning remediation of site soil and groundwater contaminated with lead, PCBs, heavy metals, pesticides, dioxin, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site under the Special Industrial Area provision.

Langford Square, 0 Langford Road, Broomall, PA 19008, Marple Township, **Delaware County**. Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Vincent Antonini, G Antonini Real Estate Inc., 3605 Winding Way, Newtown Square, PA 19073 submitted a Final Report concerning remediation of site soil and groundwater contaminated with VOCs and SVOCs. The report is intended to document remediation of the site to meet the site-specific standard.

Tank Car of America, 1725 Walnut Avenue, Oreland, PA 19075, Springfield Township, **Montgomery County**. Ken Yoder, BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110 on behalf of Michael Taylor, Springfield Township, 1510 Paper Mill Road, Wyndmoor, PA 19038 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and metals. The report is intended to document remediation of the site to meet the site-specific standard.

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

Contact: Eric Supey, Environmental Program Manager.

2300 Hanover Ave, 2300 Hanover Avenue, Allentown, PA 18109, Allentown City, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Central Park Realty LLC, 915 West Broad St, Bethlehem, PA 18018, submitted a Final Report concerning remediation of soil contaminated with petroleum and asbestos from a former car dealership. The report is intended to document remediation of the site to meet Statewide health standards.

Alburtis Elementary School, 222 West Third Street, Alburtis, PA 18011, Alburtis Borough, **Lehigh County**. JMT Industrial & Environmental, 710 Uhler Road, Easton, PA 18040, on behalf of East Penn School District, 800 Pine Street, Emmaus, PA 18049, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

197 Padula Road, 197 Padula Road, Easton, PA 18040, Forks Township, **Northampton County**. Aquaterra Tech-

nologies, 901 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Northpoint Development, 4825 NW 41st Street, Suite 500, Riverside, MO 64150, submitted a Final Report concerning remediation of soil contaminated by a release of diesel. The report is intended to document remediation of the site to meet Statewide health standards.

LVR, 75 West 21st Street, Northampton, PA 18067, Northampton Borough, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of LVR, 75 West 21st Street, Northampton, PA 18067, submitted a revised Final Report concerning remediation of soil contaminated by releases of petroleum from underground storage tanks. The report is intended to document remediation of the site to meet Statewide health standards.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.

SWN Production Co., LLC, GU04-Williams-Aeppli-Pad, 673 Aeppli Road, Wyalusing, PA 18854, Herrick Township, **Bradford County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Co., LLC, 917 SR 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with production water. The report is intended to document remediation of the site to meet the Statewide health standard.

Clearfield Former MGP Site, 290-294 Bigler Avenue, Clearfield, PA 16830, Clearfield Borough, **Clearfield County**. Stantec Consulting Services, Inc., 100 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of UGI Utilities, Inc., One UGI Drive, Denver, PA 17517-9039, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with volatile organic compounds, PAH, and inorganics associated with MGP operations. The report is intended to document remediation of the site to meet the Site-Specific and nonresidential Statewide health standards.

Inflection TLC Well Pad, 367 Yeagle Road, Montoursville, PA 17754, Eldred Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Inflection Energy PA, LLC, 101 W 3rd Street, 5th Fl, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with production water. The report is intended to document remediation of the site to meet the Statewide health standard.

Estate of Ruth Longer Property, Montour Boulevard & Grovania Drive, Danville, PA 17821, Cooper Township, **Montour County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of IA Construction Corporation, P.O. Box 568, Franklin, PA 16323, has submitted a Final Report concerning remediation of site soil contaminated with volatile organic compounds (VOCs). The report is intended to document remediation of the site to meet the site-specific standard.

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

Mazzas Amoco, Primary Facility ID # 613260, 714 1st Street, Canonsburg, PA 15317, Canonsburg Borough, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison, PA 15101 on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canons-

burg, PA 15317, has submitted a Remedial Action Plan concerning remediation of site groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health or Background Standard.

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

Interstate Chemical Company, Primary Facility ID # 781937, 2797 Freedland Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 437 Grant Street, Suite 918, Pittsburgh, PA 15219 on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148, has submitted a Risk Assessment (Revision 4) Report concerning remediation of site soil and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 2-Butanone (MEK), 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Carbon disulfide, Chlorobenzene, Chloroethane, Chloroform, cis-1,2-Dichloroethene, Cyclohexane, Cyclohexanone, Dichlorodifluoromethane, Ethylbenzene, Hexane, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylcyclohexane, Methylene Chloride, Styrene, Tetrachloroethene, Tetrahydrofuran, Toluene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Xylenes (Total), 1-Propanol, 2-Propanol (Isopropanol), Ethyl acetate, Ethylene glycol, Furfural, Methanol, n-Butyl alcohol, Formaldehyde, Isobutyl alcohol, 1,1'-Biphenyl, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 4-Chloroaniline, Acenaphthene, Acenaphthylene, Acetophenone, Aniline, Anthracene, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic acid, Bis(2-ethylhexyl) phthalate, Butyl benzyl phthalate, Carbazole, Chrysene, Cresols (Total), Dibenz(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, Isophorone, Methylphenol, 3 & 4, Naphthalene, Nitrobenzene, Phenanthrene, Phenol, Pyrene, PCB-1242, Arsenic, Barium, Cadmium, Chromium, Chromium (VI), Lead, Mercury, Selenium, Silver, and Distilled Ammonia. The report is intended to document remediation of the site to meet the site-specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department 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 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. 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 Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, Charline Bass, 484-250-5787.

Olavage Residence, 412 Parkway Avenue, Langhorne, PA 19047, Middletown Township, **Bucks County**. Joanne Van Rensselaer, PG, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Mr. & Mrs. Olavage, 412 Parkway Avenue, Langhorne, PA 19047 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, ethylbenzene, cumene, toluene, methyl tert-butyl ether (MTBE), naphthalene, 1,2,4-trimethylbenzene (1,2,4-TMB) and 1,3,5-trimethylbenzene (1,3,5-TMB). The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on April 6, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Logos Academy, 243-255 West King Street, York, PA 17401, York City, **York County**. Power Engineers, Inc., 1410 East Market Street, York, PA 17403, on behalf of Logos Academy, 250 West King Street, York, PA 17401-3877, submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with gasoline. The Plan was approved by the Department on April 12, 2022.

Bear Road Farm, Bear Road and Willow Springs Lane, York, PA 17404, Manchester Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Rutter Children LP, CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404, submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel, used motor oil & antifreeze. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on April 14, 2022.

Former Reading Armory/Albright College, 1716 North 12th Street, Reading, PA 19604, Reading City, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of MPG Albright Residences LLC, 500 Office Center Drive, Suite 400, Fort Washington, PA 19034, submitted an Addendum to the Baseline Environmental Report concerning the remediation of site soils and groundwater in a Special Industrial Area contaminated with Polyaromatic Hydrocarbons and metals. The Report was approved by the Department on April 14, 2022.

PPL EU Lancaster Mineral Insulating Oil Release, 217 Wohlsen Way, Lancaster, PA 17603, East Hempfield Township, **Lancaster County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of PPL Electric Utilities Corporation, 1639 Church Road, Allentown, PA 18104, submitted a Final Report concerning the remediation of site soil contaminated with mineral insulating oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on April 14, 2022.

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

507 Allegheny, Primary Facility ID # 576414, 507 Allegheny Avenue, Oakmont, PA 15139, Oakmont Borough, **Allegheny County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 645 West Hamilton Street, Suite 500, Allentown, PA 18101 has submitted a Remedial Action Completion Report concerning the remediation of site soil contaminated with unleaded gasoline. The report demonstrated attainment of the Statewide health standard and was approved by the Department on April 22, 2022.

BFS Route 218, Primary Facility ID # 594106, Route 218 S, Waynesburg, PA 15370, Waynesburg Borough, **Greene County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101 on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508 has submitted a Remedial Action Plan concerning the remediation of site groundwater contaminated with unleaded gasoline. The Remedial Action Plan was approved by the Department on April 22, 2022.

Main Street Food Market, Primary Facility ID # 613632, 500 North Main Street, Washington, PA 15301, Washington City, **Washington County**. Flynn Environmental, Inc., 5640 Whipple Avenue NW, North Canton, OH 44720 on behalf of Schneider Real Estate Company, 726 Frank Street, Pittsburgh, PA 15227 has submitted a Remedial Action Plan concerning the remediation of site soil contaminated with unleaded gasoline. The Remedial Action Plan was approved by the Department on April 22, 2022.

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

Former Green Shingle Service & Restaurant, Primary Facility ID # 835158, 6468 Sterrettania Road, Fairview, PA 16415, McKean Township, **Erie County**. Environmental Geo-Services, 678 Georgetown Road, Hadley, PA 16130 on behalf of Old PID, Inc., c/o Eldorado Resorts, 100 West Liberty Street, Suite 1150, Reno, NV 89501 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with Benzene, Ethylbenzene, Cumene, Methyl Tert Butyl Ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes and site groundwater contaminated with Benzene, Ethylbenzene, Naphthalene, and 1,2,4-Trimethylbenzene. The Remedial Investigation Report was approved by the Department on April 25, 2022.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit No. WMGR123SW058. Range Resources-Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317. A Determination of Applicability for operation under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Hanover 32 Tank Pad Reuse Water Storage Facility, 265 Clinton Frankfort Road, Clinton, PA 15026 in Hanover Township, **Washington County**, and Hanover Township, **Beaver County**. Permit issued: April 20, 2022.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 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.

AIR QUALITY

General Plan Approval and Operating Permit 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

GP14-46-0082: Warker-Troutman Funeral Home, 726 East High Street, Pottstown, PA 19464. On April 19, 2022, for the installation and operation of one human

crematory and one animal crematory at their location in the Borough of Pottstown, **Montgomery County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP1-36-03110: Westrock Southern Container, LLC, 500 Richardson Drive, Lancaster, PA 17603, on April 22, 2022, for two natural gas or No. 2 oil-fired boilers at the cardboard container manufacturing facility in East Hempfield Township, **Lancaster County**. The GP1 authorization was renewed.

GP14-06-03189: Burkey and Driscoll Funeral Home, 40 South Fourth Street, Hamburg, PA 19526-1202, on April 22, 2022, for two cremation units (one human and one animal), under GP14, at the facility in Hamburg Borough, **Berks County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

AG5-63-00020A: EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, on April 22, 2022, with expiration on April 22, 2027, for reauthorization to use GP-5A for operation of sources and controls at its Mako Compressor Station in Amwell Township, **Washington County**.

Plan Approvals Issued 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

15-0077B: Hanson Aggregates PA LLC/East Caln Township Plant, Quarry Road, P.O. Box 152, Downingtown, PA 19335. On April 21, 2022, an extension for the replacement of the primary and secondary equipment associated with the crushing plant at their location in East Caln Township, **Chester County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

48-00022B: Ardent Mills, LLC, 4888 S Delaware Dr, Martins Creek, PA 18063, issued on April 21, 2022 to replace two existing air cleaning devices, which are in use to control particulate emissions from bulk flour processing and packaging equipment at the existing facility located in Lower Mount Bethel Township, **Northampton County**.

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

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

63-00074A: Langeloth Metallurgical Co., LLC, 10 Langeloth Plant Drive, Langeloth PA 15054, on April 22, 2022, to extend the period of construction and temporary operation of the Metallurgical Facility located in Smith Township, **Washington County**. The new expiration date is October 28, 2023.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

23-0003AD: Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061-5052. On April 20, 2022, for the installation of a new, 2-bay, LPG Truck Loading Rack and associated piping components at their location in Trainer Borough, **Delaware County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-05069V: East Penn Manufacturing Co., Inc., P.O. Box 147, Lyon Station, PA 19536. On April 25, 2022, for modifying the Industrial Facility production lines at the lead-acid battery assembly plant located in Richmond Township, **Berks County**. Plan Approval 06-05069V is for installation and startup of pieces of equipment controlled by fabric filters and mist eliminators. The plan approval was extended.

06-05112D: WBLF Acquisition Co., LLC—Western Berks Landfill, 455 Poplar Neck Road, Birdsboro, PA 19508. On April 20, 2022, for the installation of an on-site landfill gas (LFG) to energy plant at the municipal waste landfill in Cumru Township, **Berks County**. The energy plant will consist of a gas treatment system, three (3) 1,148 bHP (856 kW) Caterpillar C3516 LE engines and one (1) 500 scfm candlestick flare. The plan approval was extended.

06-05112E: WBLF Acquisition Co., LLC—Western Berks Landfill, 455 Poplar Neck Road, Birdsboro, PA 19508. On April 20, 2022, for the installation of a fourth 1,148 bHP (856 kW) Caterpillar C3516 LE engine as part of the facility's on-site landfill gas (LFG) to energy plant in Cumru Township, **Berks County**. The plan approval was extended.

36-03121F: Intellicor, LLC, 330 Eden Road, Lancaster, PA 17601-4218. On April 20, 2022, for the operation of an existing heatset web lithographic printing press with a natural gas dryer in West Hempfield Township, **Lancaster County**. The dryers are rated at 2.2 mmBtu/hr and the press is controlled by a regenerative thermal oxidizer (RTO). The plan approval was extended.

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

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

11-00536A: CPV Fairview, LLC, 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184, plan approval extension effective on April 28, 2022, with expiration on October 28, 2022, for continued temporary operation of air contamination sources and controls associated with the CPV Fairview Energy Center located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

11-00536B: CPV Fairview, LLC, 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184, plan approval extension effective on April 28, 2022, with expiration on October 28, 2022, for continued temporary operation of air contamination sources and controls associated with the CPV Fairview Energy Center located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

10-00285: Waste Management Disposal Services of Pennsylvania, Inc., 1436 West Sunbury Road, West Sunbury, PA 16061. On April 21, 2022, the Department renewed the Title V permit for the municipal waste landfill located in Clay Township, **Butler County**. The facility's emission sources include a municipal waste landfill, a diesel fueled emergency generator, and an odor neutralizing system. The facility is not a major source for any criteria pollutants. The facility is considered a Title V facility under paragraph (iv) of 25 Pa. Code § 121.1. Actual reported emissions for the facility for 2020 were: 1.52 tons NO_x; 6.63 tons SO_x; 17.21 tons CO; 1.29 tons PM₁₀; 1.12 tons PM_{2.5}; 5.34 tons VOCs; 0.19 tons all HAPs combined; and 9,563 tons CO₂. This facility is subject to 40 CFR Part 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills; Part 61 Subpart M pertaining to Asbestos; Part 62 Subpart OOO, the Federal Plan for Landfills; and Part 63 Subpart AAAA, NESHAP for MSW Landfills. The emergency engine is subject to 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The conditions of the previous plan approvals and Operating Permit are incorporated into the renewal permit.

25-00920: Waste Management of Pennsylvania, Incorporated, Lake View Landfill, 851 Robison Road East, Erie, PA 16509, on April 18, 2022, the Department issued the renewal Title V Operating Permit of a municipal solid waste (MSW) landfill located in Summit Township, **Erie County**. Permitted air contamination sources include the landfill, a leachate storage system, two emergency engines, and a parts washer. The landfill gas (LFG) generated at the landfill is collected by an LFG collection

system and controlled by an enclosed flare, an open flare, and/or two LFG recovery engines. The facility is a major source of carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutant (HAP). In this renewal, 40 CFR 63 Subpart AAAA is updated to reflect the latest amendments. 40 CFR 62 Subpart OOO, which is the Federal plan that implements 40 CFR 60 Subpart CF, is added. Consequently, 40 CFR 60 Subpart WWW, which is replaced by 40 CFR 60 Subpart CF, is removed. Authorized through PA 25-920E, an open flare and its requirements are added. RFD-based conditions, which are not enforceable as permit conditions, are removed.

Operating Permits 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

15-00115: QVC, Inc., 1200 Wilson Drive, MC 169, West Chester, PA 19380-4262. On April 21, 2022, for the renewal of their Synthetic Minor Operating Permit for their boilers and emergency engines at their television broadcasting facility located in West Goshen Township, **Chester County**.

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

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

48-00071: Green Knight Economic Development Corporation/Plainfield, 2147 Pen Argyl Road, Pen Argyl, PA 18702. On March 21, 2022, the Department issued a renewal of the State-Only (Natural) Minor Permit for an electric generating plant in Plainfield Township, **Northampton County**. The sources at this facility consist of three (3) combustion turbines that are fueled by LFG from the Grand Central Sanitary Landfill and produce electricity to a local grid. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00137: Western Intl. Gas & Cylinders/Berwick, 53 River Road, Berwick, PA 18603-6721. On March 15, 2022, the Department issued a State-Only (Natural) Minor Permit for the operation of a gas cylinder distribution facility in Salem Township, **Luzerne County**. The sources at this facility consist of paint booths, paint baking ovens, and gas transfer lines. The control devices consist of fabric filters. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00143: Bekaert Corp., 165 New Commerce Blvd., Wilkes-Barre, PA 18706-1448. On April 20, 2022, the Department issued a State-Only (Natural) Minor Permit for the operation of steel wire and related products facility in Hanover Township, **Luzerne County**. The sources at this facility consist of a sander, and steel wire draw machines. The control devices consist of collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-03037: Hard Chrome Specialists, Inc., 41 Leigh Drive, York, PA 17402-9474. On April 20, 2022, for the electroplating facility located in Manchester Township, **York County**. The State-Only permit was renewed.

67-03146: Johnson Controls, 631 S. Richland Avenue, York, PA 17405-1592. On April 26, 2022, for the air conditioning and heating equipment manufacturing facility located in Spring Garden Township, **York County**. The State-Only permit was renewed.

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

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

63-00643: AMETEK, Inc., North Strabane Plant, 1085 Route 519, Eighty-Four, PA 15330-2813. On March 28, 2022, the Department issued a renewal State-Only Operating Permit (Natural Minor) for the metal powder manufacturing facility, located in North Strabane Township, **Washington County**.

The facility is comprised of rotary dryer units, water atomization processes, an aluminon grinder, and an emergency generator. The control devices are dust collectors and cyclones. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements.

65-00912: The AMES Co., Inc./Champion Facility, 465 Railroad Ave., Camp Hill, PA 17011-5611. On March 28, 2022, the Department issued a renewal State-Only Operating Permit (Natural Minor) for the sawmill operations facility, located in Donegal Township, **Washington County**.

The AMES Co. operates a 12.87 MMBtu/HR wood-fired boiler, an oil-fired boiler, a dimension mill, and wood surface coating operations. The control devices are dust collectors and a multi-clone collector. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements. The boilers are subject to the NESHAPs in 40 CFR 63 Subpart JJJJJ.

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

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

10-00312 Purvis Brothers, Inc., 321 Mars Valencia Road, Mars, PA 16046-0957, on April 26, 2022, the Department issued a State Only Operating Permit for the operation of a wholesale trading of petroleum bulk stations and terminals facility located in Adams Township, **Butler County**. The facility's emitting sources included a comfort heating furnace, space heaters, storage tanks for gasoline, kerosene, diesel, and stoddard solvent, loading racks, and fugitive emissions. The facility has taken the restriction of Volatile Organic Compound (VOC) emissions of 49.9 tons per year and maintains the Synthetic Minor status. The facility is subject to 40 CFR Part 63 Subpart BBBBBB—pertaining to NESHAPs for the Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The potential emissions from the facility are: 15.2 TPY VOC; and less than 1 TPY for all other criteria pollutants. 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.

43-00384: Davis Alloys Manufacturing, 295 East High Street Ext, Sharpsville, PA 16150-2224. On April 18, 2022, the Department issued a new State Only Natural Minor Operating Permit for the specialty alloy facility located in Sharpsville Borough, **Mercer County**. The facility's primary emission sources include the induction furnaces controlled by a baghouse, shot blasting booths, shake out, the hammer mill, and natural gas-fired space heating. The potential emission of PM is 31.29 TPY, total HAPs is 5.75 TPY, NO_x is 1.17 TPY, and all other primary pollutants are less than 1 TPY; thus, the facility is a natural minor. The facility is subject to plan approval 43-384A, which includes a facility emission limit of PM. The facility is subject to 40 CFR 63 Subpart ZZZZZ, NESHAP for Iron and Steel Foundry Area Source of HAP (small foundry). 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.

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

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

The City of Philadelphia, Air Management Services (AMS) reissued a renewal Synthetic Minor Operating Permit for the following facility:

OP20-000058: Richards Apex, Inc., 4202-24 Main Street, Philadelphia, PA 19127, reissued on April 14, 2022 for an administrative amendment to change the facility's contact name and email. The Synthetic Minor Operating Permit is issued for the operation of air emission sources at a lubricants manufacturing plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: two (2) boilers firing natural gas or No. 5 oil each rated less than 9 MMBtu/hr. The amended Synthetic Minor Operating Permit includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

AG5A-63-00021A: EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, on April 6, 2022, received approval for a de minimis emissions increase of 0.40 ton of VOC (including Clean Air Act Section 112 HAPs), per year, pursuant to 25 Pa. Code § 127.449 resulting from the installation and operation of one (1) 400-bbl condensate storage tank, one (1) 400-bbl produced water storage tank, and 38 intermittent-bleed natural gas-actuated pneumatic controllers JT Farm Well Pad in East Finley Township, **Washington County**. No other de minimis emissions increases have occurred at the facility during the term of its current GP-5A authorization.

AG5A-63-00027A: EQT Production Company, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, on April 6, 2022, received approval for a de minimis emissions increases not to exceed 0.42 ton of NO_x, 0.35 ton of CO, 0.6 ton of VOC (including Clean Air Act Section 112 HAPs), <0.01 ton of SO_x, and <0.1 ton of PM₁₀, per year, pursuant to 25 Pa. Code § 127.449 resulting from the installation and operation of 54 intermittent bleed natural gas-actuated pneumatic controllers and one (1) 1.00 MMBtu/hr natural gas-fired low pressure separator line heater at its Stout Well Pad in East Finley Township, **Washington County**. No other de minimis emissions increases have occurred at the facility during the term of its current GP-5A authorization.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

09-00221: Bucks County Courier Times, 2 Geoffrey Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. On April 20, 2022, the Department of Environmental Protection revoked the Air Quality Operating Permit because of the permanent shutdown and removal of significant sources, including one (1) Offset Lithographic Press, Degreasers and one (1) Emergency Generator Engine at the former facility.

09-00077: WM Renewable Energy, LLC, 1414 Bordertown Road, Morrisville, PA 19067, Falls Township, **Bucks County**. On April 13, 2022, the Department of Environmental Protection revoked the Air Quality Operating Permit because of the permanent shutdown of one (1) landfill gas fired turbine (Source ID No. 700), the only significant source at the facility.

09-00219: Premium Excavation, LLC, 18 Steel Road West, Morrisville, PA 19067, Falls Township, **Bucks County**. On April 25, 2022, the Department of Environmental Protection revoked the Air Quality Operating Permit because of the permanent shutdown and removal of significant sources, including one (1) Compact Jaw Crusher; one (1) Screener and one (2) diesel engines at the facility.

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 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).

Coal Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov, (Contact: Ashley Smith).

Mining Permit No. 17060110. NPDES No. PA0256421. Bell Resources, Inc., 1340 Hoyt Road, Curwensville, PA 16833, renewal of mining permit and NPDES permit for continued operation and restoration of a bituminous surface coal mine located in Bloom and Penn Townships, **Clearfield County**, affecting 361.9 acres. Receiving stream(s): Bell Run and Unnamed Tributaries to Bell Run classified for the following use(s): CWF, MF. Application received: October 5, 2021. Permit issued: April 15, 2022.

Mining Permit No. 171101070. NPDES No. PA0257699. Bell Resources, Inc., 1340 Hoyt Road, Curwensville, PA 16833, modification of an NPDES permit for discharge of water resulting from coal surface mine in Bloom, Brady and Penn Townships, **Clearfield County**, affecting 76.2 acres. Receiving stream(s): Unnamed Tributary to Bell Run, classified for the following use(s): CWF. Application received: November 30, 2021. Permit issued: April 15, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Mining Permit No. 49851602. D. Molesevich & Sons Construction Co., Inc., P.O. Box 121, Mt. Carmel, PA 17851, correction to add anthracite surface mining to a coal preparation plant and coal refuse disposal operation in Mt. Carmel Township, **Northumberland County**, affecting 46.2 acres. Receiving stream: Shamokin Creek. Application received: September 23, 2021. Correction issued: April 19, 2022.

Mining Permit No. 54920201. Northeastern Power Co., P.O. Box 7, McAdoo, PA 18237, renewal for reclamation activities only of an anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Kline and Packer Townships, **Schuylkill and Carbon Counties**. Receiving stream: Little Schuylkill River. Application received: March 16, 2022. Renewal issued: April 22, 2022.

Noncoal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, RA-EP CAMBRIA@pa.gov, (Contact: Melanie Ford-Wigfield).

Mining Permit No. 7574046. NPDES No. PA0613029. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664. Renewal of NPDES permit, located in Southampton Township, **Cumberland County**. Receiving streams: UNT to Bullshead Branch classified for the following uses: CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 9, 2021. Permit issued: April 18, 2022.

Mining Permit No. 32212801. NPDES No. PA0279803. ABM Mining Co., Inc., 3330 Johnston Road, Smicksburg, PA 16256, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Grant Township, **Indiana County**, affecting 5.0 acres. Receiving stream(s): unnamed tributary to Little Mahoning Creek classified for the following uses: HQ-CWF. Application received: June 24, 2021. Permit denied: April 20, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

NPDES Permit No. PA0594423. Mining Permit No. 6174SM5. Meckley's Limestone Products, Inc., P.O. Box 503, Herndon, PA 17839, renew NPDES permit on a quarry operation in Lower Mahanoy Township, **Northumberland County**. Receiving stream: unnamed tributary to Fidlers Run. Application received: September 2, 2020. Renewal issued: April 20, 2022.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications 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 Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Permit No. 36224114. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Ephrata Mennonite School in Ephrata Township, **Lancaster County**, with an expiration date of May 30, 2022. Permit issued: April 19, 2022.

Permit No. 58224105. DW Drilling & Blasting, 2733 East Battlefield Street # 320, Springfield, MO 65804 construction blasting for Lauer Gas Pad in Springville Township, **Susquehanna County**, with an expiration date of April 11, 2023. Permit issued: April 19, 2022.

Permit No. 58224106. Meshoppen Blasting, Inc., P.O. Box 127, Meshoppen, PA 18630, construction blasting for Coterra Energy Tucker H Pad and Access Road in Bridgewater Township, **Susquehanna County**, with an expiration date of January 5, 2023. Permit issued: April 19, 2022.

Permit No. 58224107. DW Drilling & Blasting, 2733 East Battlefield Street # 320, Springfield, MO 65804 construction blasting for Brazitis D Well Pad in Lenox

Township, **Susquehanna County**, with an expiration date of April 17, 2023. Permit issued: April 19, 2022.

Permit No. 48224106. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, construction blasting for Easton Block Expansion in Lower Mt. Bethel Township, **Northampton County**, with an expiration date of December 23, 2023. Permit issued: April 20, 2022.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department 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, the Department 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.

Any person 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. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. 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.

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action For Certification under section 401 of the FWPCA.

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

Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.

E4802121-006: PA Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA

18101, Stockerton Borough and Palmer Township, **Northampton County**, Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the SR 0033-05B Bridge Replacement Project:

To remove the existing northbound and southbound structures and to construct and maintain a 228-foot wide three-span stream enclosure consisting of a concrete arch and two 8-foot diameter overflow pipes with a mat foundation extending 4.5-ft below the streambed carrying SR 0033 across Bushkill Creek (HQ-CWF, MF). The concrete will have a 58.25-foot normal clear span and a minimum 19.1-foot underclearance. Minor channel grading and floodway fill appurtenant to the structure replacement will also occur.

The project is located along SR 0033 Sec 05B Segment 0110 Offset 1609 to Segment 0120 Offset 2587 (Northbound) and Segment 0111 Offset 1574 to Segment 0131 Offset 0069 (Southbound), approximately 0.50 mile south of the SR 0033/SR 0191 intersection (Nazareth, PA Quadrangle Latitude: 40° 44' 55.82" N, Longitude: 75° 15' 52.34" W)

E350222-003. Scott Romano, 635 Hoffman Blvd, Spring City, PA 19475. Clifton Township, **Lackawanna County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 20.0-foot long by 6.0-foot wide dock in Big Bass Lake (EV, MF). The new dock will replace an existing 16.0-foot long by 4.0-foot long dock on the applicants property. The project is located on Lake Drive East off of Big Bass Drive, (Sterling, PA Quadrangle Latitude: 41° 15' 5"; Longitude: -75° 29' 26") in Clifton Township, Lackawanna County.

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

E0829222-005: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Smithfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 300' by 400' well pad and 1,250 linear foot long access road impacting 38,376 square feet of a palustrine emergent (PEM) wetland and 37,853 square feet of a palustrine forested (PFO) wetland. (Ulster, PA Quadrangle, Latitude: 41.839736°, Longitude: -76.595468°);

2. A 300' by 400' well pad impacting 13,372 square feet of a palustrine forested (PFO) wetland. (Ulster, PA Quadrangle, Latitude: 41.838868°, Longitude: -76.595300°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 44,561 square feet (1.023 acres) of permanent wetland impacts and 45,040 square feet (1.034 acres) of temporary wetland impacts, all for the purpose of establishing a well pad for Marcellus well development in Smithfield Township, Bradford County. The permittee will provide 0.441 acre of on site wetland restoration and 7.91 acres of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

E4129221-018: EQT ARO LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701. Mallory Pads A, B & C Gathering Pipeline in Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain three (3) pipelines of various sizes (24" steel gas line, 16" plastic underground waterline and an 8" flexsteel gas line), each approximately 12,267 linear feet in length within permanent and temporary right-of-ways in Plunketts Creek Township—Lycoming County. Additionally, approximately 12,267 linear feet of 16" temporary above-ground waterline (TAGWL) will also be permitted.

The project will result in a total of 32 LF (220 SF) of permanent and 290 LF (1,812 SF) of temporary stream impacts, 2,542 SF (0.0584 acre) of permanent and 17,446 SF (0.4005 acre) of temporary floodway impacts and 4,225 SF (0.0970 acre) of permanent and 7,781 SF (0.1786 acre) of temporary wetland impacts all for the purpose of constructing an natural gas pipeline for Marcellus Shale well development.

STREAM IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Channel 3A Wolf Run	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	56	743	15	128	41.454180° 76.812259°
Channel 11 UNT Wolf Run	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	55	557	11	66	41.457353° 76.798454°
Channel 14 UNT Wolf Run	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	73	213	6	26	41.458493° 76.800617°
Channel 16 UNT Wolf Run	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	106	299			41.457440° 76.797467°
TOTAL IMPACTS					290	1,812	32	220	

WETLAND IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 31	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Wild	27	53			41.457610° 76.797061°
Wetland 32	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PFO; EV	Wild	11	43			41.457307° 76.798118°
Wetland 33	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PFO; EV	Wild	34	931	31	698	41.457337° 76.798566°
Wetland 34	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Wild	166	6,626	157	3,527	41.458416° 76.800540°
Wetland 68	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Wild	4	21			41.457693° 76.807330°
Wetland 69	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Wild	13	107			41.458576° 76.802592°
TOTAL IMPACTS					255	7,781	188	4,225	

FLOODWAY IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Channel 3A	Plunketts Crk. Barbours	Pipeline & Workspace	120	6,092	120	1,077	41.454180° 76.812259°
Channel 11	Plunketts Crk. Barbours	Pipeline & Workspace	150	6,574	174	1,044	41.457353° 76.798454°
Channel 14	Plunketts Crk. Barbours	Pipeline & Workspace	76	3,310	39	229	41.458493° 76.800617°
Channel 15	Plunketts Crk. Barbours	Pipeline & Workspace	13	88			41.458324° 76.800652°
Channel 16	Plunketts Crk. Barbours	Pipeline & Workspace	173	1,382	22	192	41.457535° 76.797636°
TOTAL IMPACTS			532	17,446	355	2,542	

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-3411.

EA2215221-001. Swatara Township, 599 Eisenhower Boulevard, Harrisburg, PA 17111. Swatara Township, **Dauphin County**, ACOE Baltimore District.

The restoration project will remove approximately 37,700 cubic yards of legacy sediment along Spring Creek (CWF) for the purpose of restoring natural aquatic resources, including restoration of approximately 4.5 acres of an integrated stream, wetland and floodplain areas, to realign approximately 3,600 linear feet of Spring Creek for the purpose of restoring watercourses; to place rock stream and valley grade control structures; to excavate a

rain garden and construct 3 stormwater pipes and outfalls servicing the rain garden, to place rock slope protection; to replace an existing pedestrian bridge; to construct paved pedestrian pathways; to extend 4 existing stormwater pipes and construct 4 new stormwater outfall structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances, log construction mats, temporary stream crossings, cofferdams, erosion control matting, and other erosion controls during restoration activities. The restoration project is located within and along the Spring Creek floodplain at Swatara Township's Donald R. Taylor Memorial Park and Living Water Community Church properties (USGS Quadrangle: Harrisburg East, PA: Latitude: 40.260616°; Longitude: -76.818434°). Approved on April 1, 2022.

DAM SAFETY

Central Office: Bureau of Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-8568.

D11-121. Glendale Yearound Corp., 110 Troxell Springs Road, P.O. Box 89, Flinton, PA 16640. To modify, operate, and maintain Dutch Run Dam across Dutch Run (CWF) for the purpose of providing repairs to restore the dam, reduce the hazard classification and bring the dam into compliance with Department regulations. White Township, **Cambria County**.

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. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. 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.

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

Southwest District: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4281.

ESCGP-3 # ESX16-007-0004-Per B25 Well Pad
Applicant Name PennEnergy Resources LLC
Contact Person Mr. Cody L. Salmon
Address 1000 Commerce Drive, Park Place One, Suite 400
City, State, Zip Pittsburgh, PA 15275
County Beaver
Township(s) New Sewickley
Receiving Stream(s) and Classification(s) UNT to Brush Creek/Slippery Rock Creek (WWF), UNT to Pine Run/Upper Ohio River (WWF), Pine Run/Upper Ohio River (WWF)
Secondary; Brush Creek (WWF)

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG296622004-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Wyoming
Township(s) Windham
Receiving Stream(s) and Classification(s) S-SLH-025 (INT) (CWF, MF)
Secondary: UNT Susquehanna River (CWF, MF)

ESCGP-3 # ESG290822009-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford
Township(s) Litchfield
Receiving Stream(s) and Classification(s) Spaulding Creek (WWF, MF), UNT to Spaulding Creek (WWF, MF)
Secondary: Susquehanna River (WWF, MF), Spaulding Creek (WWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989 PREAMBLE 2

The following plans and reports 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 Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Pottstown Sunoco, 15-44189, 1453 S. Hanover St., Pottstown, PA 19465, North Coventry Township, **Chester County**. Petrodi LLC, 5 Elmwood Drive, Tabernacle, NJ 08088, on behalf 1453 South Hanover Street LLC, 1233 Haddonfield Berlin Road, St. 8, Voorhees, NJ 08043, Norristown, PA 19403, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to demonstrate attainment of the site to meet nonresidential Statewide health and site-specific standards.

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

Contact: Eric Supey, Environmental Program Manager.

PSC San Souci, Storage Tank ID # 40-19264, 21 Main Road, Hanover Township, PA 18706, Hanover Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pragnesh Patel, 2386 Sullivan Trail, Exeter Township, PA 18615, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

Liberty Oil Station 38, Storage Tank ID # 54-51586, 700 North Railroad Street, Tamaqua, PA 18252, Tamaqua Borough, **Schuylkill County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Norwood Klotz, 600 East Main Street, Schuylkill Haven, PA 17972, submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site-specific standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Robin L. Yerger, LPG.

Rutter's Farm Store No. 34, Storage Tank Primary Facility ID # 67-26966, 2210 Old Trail Road, Newberrytown, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

Former Hess Oil, Storage Tank Primary Facility ID # 67-60871, 203 Bunker Hill Avenue, Delta, PA 17314, Delta Borough, **York County**. P. Joseph Lehman, Inc. Consulting Engineers, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Mr. William Hubbard, 59 Griffith Road, Delta, PA 17314, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the site-specific standard.

Rutter's Farm Store No. 24, Storage Tank Facility ID # 67-38001, 2600 Delta Road, Brogue, PA 17309, Chanceford Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide health standard.

Sunoco Gas Sta & C Store, Storage Tank Facility ID # 67-20370, 2200 Old Trail Road, Etters, PA 17319, Newberry Township, **York County**. Groundwater and Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Evergreen Resources Management, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet a combination of the Site Specific and Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP Has Taken Action 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.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Express Food Mart, 51-06933, 5201 Oxford Avenue, Philadelphia, PA 19124, **City of Philadelphia**. Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of 5201 Oxford Ave. Phila. LLC, 645 Hamilton Ave., Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the residential Statewide health site-specific standards. Approved: April 19, 2022.

121 Point Breeze Term, 51-07149, 6310 Passyunk Ave., Philadelphia, PA 19134, **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Kinder Morgan Liquids Terminals, LLC, 1 Terminal Road, Carteret, NJ 07008, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health and site-specific standards. Approved: April 20, 2022.

Phila Marine Ctr, 51-42260, 235 N. Columbus Blvd, Pier 12N, Philadelphia, PA 19106, **City of Philadelphia**. Curren Environmental, Inc., 10 Penn Ave., Cherry Hill, NJ 08002, on behalf of the Durst Organization, One Bryant Park, New York, NY 10036, submitted a Site Characterization Report 310(b) concerning remediation of soil and groundwater contaminated with diesel and unleaded gasoline. The Remedial Action Completion Report did not demonstrate attainment of the residential Statewide health standards. Approved: April 25, 2022.

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

Contact: Eric Supey, Environmental Program Manager.

Atlantic Oil & Heating Company, Storage Tank ID # 13-14253, Blakeslee Boulevard, Lehigh, PA 18235, Lehigh Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pipeline Petroleum, Inc., P.O. Box 159, Macungie, PA 18062, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with fuel oil. The Remedial Action Completion Report demonstrated attainment of site-specific standards. Approved: April 26, 2022.

Arlo's Country Store, Storage Tank ID # 58-38535, 10340 PA-171, Union Dale, PA 18470, Ararat Township, **Susquehanna County**, United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Arlo's Country Store Inc., 10340 PA-171, Union Dale, PA 18470, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was acceptable to meet Statewide health standards. Approved: April 22, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Robin L. Yerger, LPG.

Rutter's Farm Store No. 34, Storage Tank Primary Facility ID # 67-26966, 2210 Old Trail Road, Newberrytown, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the Statewide health standard. Approved: April 22, 2022.

Rutter's Farm Store No. 24, Storage Tank Facility ID # 67-38001, 2600 Delta Road, Brogue, PA 17309, Chanceford Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with petroleum. The Remedial Action Completion Report was acceptable to meet the Statewide health standard. Approved: April 22, 2022.

Sunoco Gas Sta & C Store, Storage Tank Facility ID # 67-20370, 2200 Old Trail Road, Etters, PA 17319, Newberry Township, **York County**. Groundwater and Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Evergreen Resources Management, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of a combination of the site-specific standard and Statewide health standard for soil and groundwater. Approved: April 22, 2022.

Former Hess Oil, Storage Tank Primary Facility ID # 67-60871, 203 Bunker Hill Avenue, Delta, PA 17314, Delta Borough, **York County**. P. Joseph Lehman, Inc., Consulting Engineers, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Mr. William Hubbard, 59 Griffith Road, Delta, PA 17314, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the site-specific standard. Approved: April 26, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Country Fair 27, Storage Tank Facility ID # 25-91194, 2301 Peninsula Drive, Erie, PA 16506, Millcreek Township, **Erie County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, naphthalene, MTBE, cumene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide health standard. Approved: April 26, 2022.

SPECIAL NOTICES

ACTIVE AND ABANDONED MINE OPERATIONS

NOTICE OF PUBLIC MEETING

*California District Mining Office, 25 Technology Drive,
Coal Center, PA 15423.*

Notice is hereby given the Pennsylvania Department of Environmental Protection (DEP) District Mining Operations, has received a major modification application from **LCT Energy LP for Rustic Ridge # 1, Permit Number No. 65131301**, to amend the existing permit. The application is to expand the existing Coal Mining Activities Permit (CMAP) underground mining acreage by 1,452.0 acres and the subsidence control plan area by 1,411.5 acres. The proposed mine expansion is located within Donegal Township in **Westmoreland County**. The existing mine is located within Donegal and Saltlick Townships, in Westmoreland and Fayette Counties, respectively.

California District Mining Office has received a request for an informal public conference (IPC) concerning this major modification application. While the majority of COVID-19 restrictions have been lifted, many still feel unsafe gathering in person and in large groups indoors. In an effort to make this proceeding available to as many interested stakeholders as possible, this informal public conference is being held virtually on Wednesday, May 25, 2022, that will commence at 6:00 p.m. and end at 8:00 p.m.

Individuals who wish to participate and ask questions during the IPC must contact Community Relations Coordinator, Lauren Fraley at lfraley@pa.gov or by telephone at 412-442-4203, a minimum of 24 hours in advance of the event to reserve a time to present testimony. Individuals who register for the event will receive an email containing the link and instructions on how to join the virtual IPC. Video demonstrations and screen sharing will not be permitted. DEP staff will be available to answer general questions on the permit application.

The California District Mining Office will accept additional written comments from participants of the informal public conference two (2) weeks after the date of the proceeding until June 8, 2022.

If you are a person with a disability wishing to attend this IPC and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Bonnie Herbert at bherbert@pa.gov to discuss how we may accommodate your needs. If necessary, you may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice users) and request that your call be relayed to Bonnie Herbert at 724-769-1100.

Copies of the application are on file for public review at the Department of Environmental Protection, District Mining Operations, California District Office, 25 Technology Drive, California Technology Park, Coal Center, PA 15423. Please call or email Bonnie Herbert to inquire about electronic application review options.

[Pa.B. Doc. No. 22-663. Filed for public inspection May 6, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, extending for 12 months the availability of the current National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04).

The existing PAG-04 General Permit in effect at this time will expire May 11, 2022. Individuals who are operating under the PAG-04 General Permit may continue to operate until May 11, 2023. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-04 General Permit. During the period of administrative extension, no new coverage under the PAG-04 General Permit may be authorized by the Department.

To access the General Permit and related documents online, visit www.depgreenport.state.pa.us/elibrary/ (select “Permit and Authorization Packages,” then “Clean Water,” then “PAG-04 Discharges from Small Flow Treatment Facilities 3800-PM-BCW0093 (MAY NOT BE USED FOR NEW COVERAGE)”).

Questions regarding the PAG-04 General Permit can be directed to Maria Schumack, PE, at maschumack@pa.gov or (717) 705-0486.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-664. Filed for public inspection May 6, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments and Supplemental Hospital Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year 2021-2022 for several classes of inpatient disproportionate share hospital (DSH) payments and supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments. The qualifying criteria and payment methodology for each payment are described in Pennsylvania’s Medicaid State Plan.

Payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described as follows is contingent on the availability of Federal financial participation for these payments.

Allocation of Funds

The Department intends to allocate \$9.510 million in total funds for DSH payments to qualifying acute care general hospitals that provide a high volume of services to the MA population to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs that provide integrated patient-centered medical services upon approval by the Centers for Medicare & Medicaid Services (CMS).

The Department intends to allocate \$5.917 million in total funds for DSH payments to qualifying acute care general hospitals to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs upon approval by CMS.

The Department intends to allocate \$40.163 million in total funds for supplemental payments to qualifying acute care general hospitals that treat a high percentage of MA patients under 18 years of age upon approval by CMS.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1507. (1) General Fund;

(7) MA—Fee-for-Service; (2) Implementing Year 2021-22 is \$0; (3) 1st Succeeding Year 2022-23 is \$9,113,000; 2nd Succeeding Year 2023-24 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2021-22 is \$6,343,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$21,479,000; 2019-20 Program—\$21,092,000; 2018-19 Program—\$24,681,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-665. Filed for public inspection May 6, 2022, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Virtual Public Meeting

The Prevailing Wage Appeals Board will hold a virtual public meeting on Monday, May 16, 2022, at 10 a.m.

Individuals may join the virtual public meeting by dialing (267) 332-8737. The conference ID number is 931388266.

The Americans with Disability Act contact is Gina Meckley at (717) 214-9300.

JENNIFER BERRIER,
Secretary

[Pa.B. Doc. No. 22-666. Filed for public inspection May 6, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Meeting

The Public-Private Partnerships Board will hold a meeting on June 14, 2022, at 9 a.m. in the Forest Room, Keystone Building, Harrisburg, PA. For more information, contact Maddie Vergos, (717) 787-3154, mvergos@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-667. Filed for public inspection May 6, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Changes to List of Class A Wild Trout Waters; April 2022

The Fish and Boat Commission (Commission) approved the addition of seven stream sections to its list of Class A Wild Trout Streams. The proposed changes were set forth at 52 Pa.B. 1076 (February 12, 2022). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-668. Filed for public inspection May 6, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Changes; April 2022

The Fish and Boat Commission (Commission) approved the addition of 23 new waters to its list of wild trout streams as set forth at 52 Pa.B. 1075 (February 12, 2022). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild

trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at <http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-669. Filed for public inspection May 6, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Exemptions to Allow for the Continued Stocking of Class A Stream Sections

The Fish and Boat Commission (Commission) has approved trout stocking to continue on each of the Class A wild trout streams listed as follows. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), the Executive Director will obtain approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters). The general exemption classification, stream name, stream section, county and commissioner district are listed as follows.

General fishing derbies (adult and youth participants)

- Penns Creek (Section 02), Centre County, Commissioner District 3

Prior history of stocking and meets the sub-criteria outlined under criterion 3 previously listed

- Pohopoco Creek (Section 04), Carbon County, Commissioner District 7

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-670. Filed for public inspection May 6, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designation

The Fish and Boat Commission (Commission) took the following action with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.6. Delayed harvest artificial lures only areas

The Commission removed Dingmans Creek, Section 03, from the delayed harvest artificial lures only areas program:

County	Water
Pike	Dingmans Creek, Section 03

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-671. Filed for public inspection May 6, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed at the Commission's web site at www.irrc.state.pa.us.

Final-Form Reg. No.	Agency/Title	Received	Public Meeting
106-13	Environmental Hearing Board Practice and Procedure	4/25/22	6/16/22
16A-4417	State Board of Podiatry Continuing Education	4/27/22	6/16/22

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-672. Filed for public inspection May 6, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

1332 Waiver Reinsurance Program; Public Comment Period and Public Forum; Notice 2022-06

The Commonwealth is accepting public comments on its 1332 State Innovation Waiver Reinsurance Program (PA-Re) beginning Wednesday, June 1, 2022, and ending Thursday, June 30, 2022. Comments may be directed to the Insurance Department 1332 Innovation Waiver, Attn: Katie Merritt, 1326 Strawberry Square, Harrisburg, PA 17120, RA-IN-PA1332Waiver@pa.gov.

A virtual public forum will provide additional opportunities to learn about and comment on the 1332 waiver reinsurance program. It will be held by means of Microsoft Teams on June 16, 2022, from 2 p.m. to 3 p.m. at https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGQ1MWEYwYtMzI2MS00ODMyLTlmNTU0NWQ3ZTlkMzZmOWMz%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%2280cc5f11-04bb-4f9a-a201-84346502e712%22%7d.

The call in number for the virtual public forum is (267) 332-8737 and the phone conference ID number is 714 516 934#.

This virtual public forum will be recorded; attendance will constitute consent to the recording.

Information is available for review at www.insurance.gov/PA1332Waiver. The Commonwealth's PA-Re was approved in July 2020, by the Centers for Medicare & Medicaid Services, a division of the United States Department of Health and Human Services, and the United States Department of the Treasury. This approval is effective for the period of January 1, 2021, through December 31, 2025, with a provision for a possible extension at the end of the initial term.

Questions regarding this notice may be directed to the previously listed e-mail address and mailing address.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-673. Filed for public inspection May 6, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction and Registration of Securities

A-2022-3032140 and A-2022-3032141. Barch Corporation, North Penn Telephone Co., North Penn Long Distance Corp., d/b/a Empire Access Services and Endurance Parent, Inc. Joint application of Barch Corporation, North Penn Telephone Co., North Penn Long Distance Corp., d/b/a Empire Access Services and Endurance Parent, Inc. for approval of a general rule transaction and registration of securities.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 23, 2022. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The docu-

ments filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Joint Applicants: Barch Corporation; North Penn Telephone Co.; North Penn Long Distance Corp., d/b/a/ Empire Access Services; Endurance Parent, Inc.

Through and By: Sarah C. Stoner, Esquire, PA ID No. 313793, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 237-6026, fax (717) 237-6019, sstoner@eckertseamans.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-674. Filed for public inspection May 6, 2022, 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 May 23, 2022. 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 May 23, 2022. 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2022-3032059. Kane's Coaches, LLC, t/a Kane's Coaches (117 Maloney Lane, East Stroudsburg, Monroe County, PA 18301) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2022-3032030. Terry W. Schmidt (101 Mount Pleasant Road, Honey Brook, PA 19344) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, by motor vehicle,

persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Chester and Lancaster; provided, however, that the right, power, or privilege to transport persons from points originating in Chester County is limited to an area of the County West of Route 841 beginning at the Pennsylvania-Maryland border and continuing North along Route 841 to the intersection with Route 82, then West of Route 82 extending North to Elverson, PA.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-675. Filed for public inspection May 6, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson

Street, Philadelphia, PA 19148, no later than May 23, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-22-04-13. A&Y Taxi, LLC (6705 Lindbergh Boulevard, Philadelphia, PA 19142): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-22-04-14. Bowe Taxi, LLC (1109 Arrott Street, Philadelphia, PA 19124): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

DENNIS WELDON,
Temporary Executive Director

[Pa.B. Doc. No. 22-676. Filed for public inspection May 6, 2022, 9:00 a.m.]
